OMBUDSMAN ONTARIO

2003–2004 Annual Report

Working to ensure fair and accountable provincial government service

OMBUDSMAN ONTARIO

June 17, 2004

The Honourable Alvin Curling
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2003 to March 31, 2004, as well as an Addendum to my Annual Report pursuant to Section 11 of the *Ombudsman Act* so that you may table them before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.
Ombudsman

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Clare Lewis, Q.C.

Ombudsman Ontario: Working to ensure fair and accountable provincial government service

"I believe it is incumbent on an Ombudsman to exercise the own motion authority in appropriate circumstances, to investigate issues affecting patients in psychiatric hospitals, seniors, children with disabilities and others who may not be able to voice their concerns or whose voices often go unheard."

Clare Lewis, Q.C.
Ombudsman of Ontario

Ombudsman's Message

Clare Lewis

I am now serving in my final year as Ombudsman of Ontario. Reflecting on the past four and one-half years, I believe that my office has been through a process of positive change both structurally and culturally.

Since assuming office, I have encouraged strategic and efficient use of our resources to ensure maximum effect. One approach I have adopted to this end, is to raise issues directly with the responsible Minister rather than engage in formal investigation, which can be extremely resource and time consuming. I believe this method is particularly appropriate when my concerns are focused primarily on legislative, policy or program content rather than on government administration. In November 2003, I wrote to the Minister of Municipal Affairs (now Municipal Affairs and Housing) noting I had received numerous complaints from and on behalf of tenants about the *Tenant Protection Act, 1997* and expressing my concerns about the current legislative scheme governing residential tenancies. I indicated the default eviction process has resulted in large numbers of individuals being evicted without mediation or a hearing on the merits. I am particularly concerned that such evictions may have disproportionate and oppressive consequences for vulnerable tenants: seniors, single parents with small children, individuals with disabilities and those for whom English is a second language.

I noted a number of problems with the current *Tenant Protection Act, 1997* including the time frame for disputing eviction applications, which is extraordinarily brief when one considers the severe consequences eviction can have on individuals and families. I suggested there should be greater scope for the exercise of discretion in the context of tenant evictions, cautioning that eviction should not be allowed to become a mechanical exercise devoid of human consideration. While the *Tenant Protection Act, 1997* may have effected greater administrative efficiencies than the *Landlord and Tenant Act*, I am concerned that this may have been at the expense of fair process. I urged the Minister to consider redressing the balance.

I was encouraged to receive a response from the Minister in which he acknowledged shortcomings in the legislation and that the election promise to introduce legislation to repeal the *Tenant Protection Act, 1997* and restore "real rent control" would be implemented. He added that my suggestions would be carefully considered in this process. The Ministry of Municipal Affairs and Housing also confirmed that it would be addressing the concern I raised in my last Annual Report regarding the provision in the *Tenant Protection Act, 1997* that permits landlords to apply for rent increases based on extraordinary increases in the cost for utilities. The Act currently creates an imbalance, as there is no corresponding right for tenants to apply for rent reduction when extraordinary utility costs no longer exist. The Ministry announced on March 29, 2004, the creation of the Provincial Rent Bank program involving the commitment of $10 million in provincial grants to municipalities that currently operate, or wish to establish, rent banks.

My office received complaints this year from tenants living in social housing units who pay market rental rates. Currently, such tenants have no recourse under the *Tenant Protection Act, 1997* to dispute rent increases and there is no provision for rent review under the *Social Housing Reform Act, 2000*. In response to a letter I wrote supporting the creation of a mechanism that would provide for an independent appeal process for market-rate tenants in social housing units, the Minister of Municipal Affairs and Housing stated a comprehensive review of the *Tenant Protection Act, 1997* is underway. He explained that this review would provide an opportunity to consider establishment of an appeals process for market tenants living in social housing and undertook to take my views into consideration. He noted that the Ministry is carrying out a comprehensive review of the regulations contained in the *Social Housing Reform Act, 2000* as well and that he has asked Ministry staff to take my concerns into account and consider if there are any possibilities for an appeals process for market tenants facing above guideline increases.

This year, I was alerted to the plight of a number of individuals in the province with both developmental and mental disabilities who were experiencing difficulties obtaining a community placement. The individuals in question currently reside in psychiatric facilities but their health care professionals have advised that a hospital setting is not suitable or in their best interests. Despite the fact that with the proper supports, health professionals believe they would be able to succeed in community based settings, residential placements are not available for these individuals with a "dual diagnosis," who have substantial health problems. A recent study by the Centre for Addiction and Mental Health estimates there are 416 patients with a dual diagnosis currently residing in provincial psychiatric hospitals. Of that number, only 12 per cent were determined to require the in-patient hospital care they are currently receiving. The author of the study suggested that, if the intensive services required could be made available to them, most in-patients would be able to succeed in community based settings. Funding appears to be the biggest obstacle to finding residential placements for dual diagnosis patients. The Ministry of Community and Social Services advised my office that the added costs associated with the care of individuals with dual diagnosis can be a major drain on agency budgets and limits the ability of service providers to accept new dual diagnosis clients into care. The Ministry does not collect information about the size of waiting lists or the length of time individuals spend waiting for a placement. My office is aware of individuals who have been waiting in excess of three years for placements. Given that the issue of the placement of individuals with dual diagnosis involves community and social services as well as health services, I wrote to the Ministers of Health and Long-Term Care and Community and Social Services and asked how their Ministries propose to deal with the delay experienced by individuals with dual diagnosis awaiting community placement.

The Ministries responded noting that they had jointly supported the development and publication of a book entitled "Dual Diagnosis: An Introduction to the Mental Health Needs of Persons with Developmental Disabilities" and that regional training sessions were held throughout the province in March 2004 based on this publication. I was advised that the Ministries will work collaboratively to facilitate the placement of individuals in the most appropriate settings and that supportive housing is one component of the range of necessary community services. I was also advised that joint Ministry dual diagnosis committees have been established to assist with access to services for individuals with dual diagnosis. The Minister of Community and Social Services stated that although each community develops its own processes, many of them prioritize individuals currently residing in psychiatric facilities who no longer require a hospital setting for residential or support programs when vacancies or new resources become available such as the New Places to Live initiative recently announced by her Ministry. I will be monitoring the complaints my office receives regarding community placement of individuals with dual diagnosis in the future to evaluate the progress being made with respect to appropriate residential placement of such individuals.

Another method of increasing the investigative efficiency of my office involves increasing strategic use of my ability to investigate complaints on my own motion. One goal in my using this authority, is to assist the more vulnerable in our society. I believe it is incumbent on an Ombudsman to exercise the own motion authority in appropriate circumstances, to investigate issues affecting patients in psychiatric hospitals, seniors, children with disabilities and others who may not be able to voice their concerns or whose voices often go unheard.

Last year, I reported on a case I had investigated on my own motion relating to the former Ministry of Community, Family and Children's Services. It appeared to me that the Ministry had taken a reactive approach in planning and monitoring changes in the delivery of services for children with special needs and did not demonstrate a clear corporate vision of the scope of the issue. In my investigative summary, I reached the preliminary opinion that the Ministry should obtain necessary data to determine what level of residential services is needed in Ontario for children with special needs and plan accordingly. In response, the Ministry undertook to provide me with updates on its progress in developing a policy and funding framework for residential supports for children with complex special needs, at six-month intervals. Children's and youth services are now administered by the Ministry of Children and Youth Services. That Ministry has advised me that it has completed a complex data collection exercise capturing detailed service and financial information for hundreds of transfer payment agencies and private operators across the province and that it is conducting a detailed analysis of this information. The Ministry is also obtaining feedback from regional offices to identify best practices for service delivery in Ontario communities. The Ministry has begun to examine sources to assist in forecasting future and emerging needs in the residential system and residential systems in other jurisdictions.

This year, I conducted an investigation on my own motion into waiting lists and services delays in the Intensive Early Intervention Program for Children with Autism. My investigation revealed that from the fall of 2000, when the Program began, to December 31, 2002, 423 children with autism, who had been waiting for service, became ineligible for service because they had reached age six. I believe it is unconscionable that hundreds of autistic children "aged out" of the Program without ever receiving services, many after waiting over 18 months. On March 26, 2004, the Minister of Children and Youth

Services announced a plan relating to services for children with autism. I will be considering the Ministry's announcements with respect to autism and what further steps, if any, I will be taking with respect to this matter in the next fiscal year. In another case involving this Ministry, I investigated delays in obtaining special services available to families with children and adults with developmental disabilities. Since my investigation commenced, the Ministry has undertaken a number of steps to revise its business practices.

The *Ombudsman Act* gives me the authority to conduct investigations relating to a broad range of provincial governmental organizations, many of which routinely have in their possession personal health information. It is often necessary, particularly in the context of systemic investigations, to obtain relevant personal health information in the course of my investigations. Obtaining individual consent in these circumstances may be impractical and, at times, impossible. In these circumstances, it is critical that I have full access to relevant personal health information without the need to obtain individual consent. In some contexts, for instance, within the correctional system, systemic investigations relating to access to health care cannot effectively be conducted if it is necessary to obtain individual consent. Since the *Ombudsman Act* requires investigations to be conducted in private, imposes strict requirements upon me to maintain confidentiality and my records are not accessible under the provisions of the *Freedom of Information and Protection of Privacy Act*, third party personal health information in my possession is secure.

Bill 31, which included the *Personal Health Information Protection Act, 2004*, recently proposed additional safeguards for personal health information, which I generally support. I believe it was clearly intended by Bill 31 that my office would continue to have access to personal health information during the course of our investigations. However, I was concerned given the language of the Bill, that it might have the unintended effect of impairing my ability to conduct investigations of provincial governmental organizations in certain circumstances. Consequently, I attended before the Standing Committee on General Government reviewing the Bill and suggested that an amendment be considered to clarify my right to obtain personal health information during the course of my investigations. While in our complex and changing society, it is important to have clear rules respecting the privacy of personal health information, it is also important to ensure that government administration is held accountable both for its use of such information and for its conduct generally. When Bill 31 was reported back to the Legislative Assembly by the Standing Committee for second reading, it contained a consequential amendment to the *Ombudsman Act* confirming that a person who is subject to the *Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act, 2004* is not prevented by any of the provisions in those acts from providing personal information to the Ombudsman in the course of an investigation. The Bill has now received Royal Assent.

The role of an Ombudsman is unique and carries with it broad and independent powers of oversight, investigation and recommendation. However, in today's society, there are an increasing number of complaint services personnel in the private and broader public sector using the term "Ombudsman" to describe their function. I believe this trend, particularly if it were to prevail in provincial government, would result in confusion to the public and a dilution of the significance of the Ombudsman role. It should be clear to the public that there is one provincial Ombudsman dedicated to consideration of their complaints. In some jurisdictions internationally, the use of the term Ombudsman is restricted by law. In the province of Saskatchewan the government has taken steps to ensure that the word Ombudsman is not appropriated by public offices that

do not carry the prerequisites of an Ombudsman. It is the Saskatchewan Government's policy that no governmental body will use the word "Ombudsman" to designate any position unless the position is designated as such by legislation with the agreement of that Province's incumbent Ombudsman. I encourage the Province of Ontario to adopt a similar policy.

The world has irrevocably changed since the events of September 11, 2001, and its after-effects continue both internationally and at home. In a speech I delivered this year at the Annual Conference of the United States Ombudsman Association, I noted that the events of September 11, 2001, drove a stake through the security, confidence and vigilant commitment to fairness of North American society. Exigent, diffuse and uncertain threats to our very sense of security make possible dangerous, far-reaching responses by our governments, which are capable of undermining our basic concepts and values of democratic good governance and its fundamental fairness.

I believe individual rights and fairness in government administration must not be lost or forgotten in the face of increased concerns over security. It is critical that Ombudsman organizations in their services to the public in these difficult times continue to be advocates for measured and fair response by government.

One concrete example of the continuing effect of 9/11 on government administration is the addition of rigorous requirements for obtaining personal identification documents. While the need for such requirements is generally not disputed, their implementation has had an adverse impact on the delivery of provincial government services to the public. The Registrar General Branch of the Ministry of Consumer and Business Services registers and provides certificates relating to various events including births, deaths, marriages, adoptions and changes of name. For the first time since 1996, the Registrar General Branch of the Ministry is on the list of the top 10 government organizations complained about to my office. The number of complaints received by my office doubled from 2001-2002 to 2002-2003 and has quadrupled since 2002-2003. Service delays at the Registrar General Branch are now legion and have caused considerable inconvenience to the public. I have reported on an investigation I conducted on my own motion into the situation at the Registrar General Branch as well as a number of case stories that illustrate typical situations involving significant delays with the Registrar General Branch, which have necessitated intervention by my office. The Ministry has responded to the need and deployed significant additional staff and resources in an effort to resolve this serious service disruption. I will monitor the results.

I continue to encourage governmental organizations to create internal complaints mechanisms. Such mechanisms provide an opportunity to resolve complaints without resort to the external intervention of the courts or my office. They enable an organization to address complaints before they escalate and to find resolutions tailored to their own mandate and resources. When an organization deals effectively internally with complaints, it serves to enhance its credibility and reputation. Having an effective internal complaints process, enables an organization to reflect upon and assess its operations and their effects. Effective internal complaints mechanisms can lead to service improvements and prevent future complaints.

My office often acts as a resource to organizations establishing internal complaints systems. This year my office provided advice to the Victim Services Division of the Ministry of the Attorney General as well as to the new Fair Practices Commission of the Workplace Safety and Insurance Board regarding internal complaints resolution. My office also made a presentation to a multi-ministry committee at the Corporate Policy Branch of the Management Board Secretariat regarding the essential components of a complaint handling system.

In this Annual Report, I have included a document entitled "Creating Internal Complaints Processes," which contains a checklist of points I suggest organizations consider when developing complaints mechanisms. My office has had a Complaints About Us program since 1996 and I report annually on the results. In my own office, complaints have led to improvements in how we conduct our business. I recognize that no organization, including my office, is perfect and believe that organizations should be prompt and forthright in correcting and redressing their errors. In a case in point, this year my office resolved a complaint of regrettably long standing involving a complicated matter that had extended over many years. The service provided by this office, in this case, had been well below standard. A written apology was provided. In addition, consistent with my practice of recommending that governmental organizations compensate individuals for the frustration they have experienced as a result of maladministration, compensation was paid to the complainant.

When I became Ombudsman in January 2000, by necessity I became quickly familiar with the Family Responsibility Office (the FRO), which is responsible for enforcing spousal and child support orders in this province. Throughout my term, the FRO has yielded the second largest number of complaints and enquiries to my office. In my first Annual Report I reported that my office received 1,451 complaints and enquiries about the FRO. Not much has changed since then. This year my office received 1,467 complaints and enquiries about the FRO. In my second year in office, I conducted an own motion investigation to examine the FRO's computer system. It was my view then that the FRO's computer system needed to be replaced if the FRO were to meet its mandate effectively. My view remains unchanged three years later. While some temporary administrative initiatives have recently been introduced to deal with routine calls, updating addresses, registration and notification about credit bureau reporting, the FRO is still operating with inadequate crucial technological resources. The case stories highlighted in this report demonstrate grave continued inefficiency, which is simply unjustified, particularly for those in need.

I have been advised that the FRO is continuing to request approval of a new integrated service delivery model, which would combine new software with a new case management system. However, even if funding is approved for this necessary project it will undoubtedly require significant time to implement. In the interim, families dependent on the FRO's effective enforcement and prompt and appropriate disbursement of collected funds for their income will continue to suffer. My Annual Report contains a selection of case stories highlighting the problems individuals encounter when dealing with the FRO. The FRO's phones are constantly busy and huge numbers of individuals never get through. Human error is cited repeatedly to explain accounting and other administrative errors, which result in frustration and financial loss to recipients and payors alike. As of February 2004, there were $1,319.2 million in arrears owing to recipients, including $209.8 million owing to the provincial treasurer as a result of assignments for social assistance. Without the necessary further resources, the FRO will not be able adequately to meet the needs for which it was created and properly serve the public of Ontario.

Correctional Services at the Ministry of Community Safety and Correctional Services continues to generate the largest number of complaints and enquiries to my office, totalling 7,640 this year. This high number of complaints received is not surprising, considering that inmates in provincial correctional facilities are dependent on the Ministry for such basic needs as their food, clothing, shelter and medical care. Despite the prevalence of correctional complaints, I do wish to express my understanding of the difficult issues the Ministry faces. In particular, I recognize the efforts of senior management in Corrections towards achieving a humane environment for inmates of provincial correctional institutions consistent with the obligations of a civil

society. This year, I conducted a number of own motion investigations into the Ministry's operations. I considered a "lock down" at a privately run correctional centre that restricted inmates to their cells for months at a time and which was prolonged because of a dispute over the responsibility for repairing walls damaged in a riot. I also investigated the Ministry's monitoring of compliance with health care and food services contractual requirements at the same centre. In addition, I was very concerned to learn that emergency and routine health care of federal immigration detainees in a provincial facility was being delayed because of decisions taken by Federal government officials. I consequently launched an investigation, which resulted in the Ministry taking action to ensure those under provincial care received timely medical treatment. I also investigated a situation involving an administrative error that led to a group of women inmates being denied their legal right to vote. In addition, I investigated the planning surrounding the opening of the Toronto Youth Assessment Centre, which has been mired in criticism for the conditions of youth confinement and which is finally scheduled to close its doors. This Annual Report contains numerous case stories about inmates who have relied on our office for assistance over the past year and a separate section, Focusing on Corrections, discussing some of the issues faced this year in the correctional area.

This report contains many stories of successful resolution which would not have been possible without the cooperation of dedicated and conscientious public servants. I presented five members of the Ontario public service with Ombudsman Ontario Public Service Recognition Awards, recognizing those individuals as public servants who consistently try to find ways to solve problems and provide better service to the public in response to complaints brought forward by my staff. This year, awards were received by individuals from the Integrated Services for Children Unit, Management Support Branch (Ministry of Children and Youth Services), the Family Responsibility Office (Ministry of Community and Social Services), the Driver Improvement Office (Ministry of Transportation), the Central East Correctional Centre and the Operations Compliance Unit, Central North Correctional Centre (Ministry of Community Safety and Correctional Services).

I continued to promote the role of Ombudsman nationally as well as internationally. This year, my office was involved in developing and presenting training for members of the Forum of Canadian Ombudsman. I also engaged with my provincial and territorial colleagues as a member of the Canadian Council of Parliamentary Ombudsman. I continued in my role as President of the International Ombudsman Institute, participating in such activities as an International Round Table for Ombudsman of the former Soviet Republics in support of their role in enhancing their nations' transition to democracy. That Round Table was hosted by the United Nations Development Program (UNDP) in Baku, Azerbaijan and my attendance was at the invitation and expense of the UNDP. I was pleased to arrange Visiting Scholar status for a staff member of the Office of the Ombudsman of Korea to study at the Institute headquarters at the Faculty of Law of the University of Alberta. The Institute will be holding its VIIIth World Conference in September in Quebec City based on the general theme of "Balancing the Obligations of Citizenship with the Recognition of Individual Rights and Responsibilities – The Role of the Ombudsman."

Looking forward, I believe we are well on our way to achieving our corporate vision by 2005, which includes successful community outreach and government information sharing, effective use of resources, becoming a leader in the international ombudsman community, effective strategic and technical human resource practices and establishment of a leadership philosophy amongst staff that promotes participation, innovation and creativity. Our vision document, *Looking Forward*, is available to the public from our communications department or on our website.

I have enjoyed an almost four-decade career in criminal, regulatory and administrative justice roles, including that of Provincial Court Judge and Police Complaints Commissioner for Ontario, a specialized executive ombudsman position. I remember well the creation of the Ontario Ombudsman's office in 1975, have known each of my four predecessors and closely followed their Ombudsman careers. When the position of Ombudsman of Ontario became available in late 1999 I competed for the position believing that being the Ombudsman of Ontario would represent an honourable and fitting public service conclusion to my professional life.

My term as Ombudsman will end on January 29, 2005 and I will retire secure in the knowledge that I have latterly worked with men and women committed to the principles of the Ombudsman role in support of the best in our democratic values. This is my last Annual Report as Ombudsman of Ontario and I would like to take this opportunity to say good-bye to and thank the public of Ontario for bringing their complaints and concerns to my attention, the Government of Ontario for cooperating with my investigations and implementing improvements in response to my suggestions and recommendations and the Legislative Assembly for granting me the privilege of being Ombudsman and for their consideration of my reports and recommendations. In January I will bid farewell to my staff, who have shown dedication to the Ombudsman goals of fairness and accountability in the provision of government service to the public. I also wish to thank and recognize my family publicly as I retire from my full-time professional career for their support and encouragement over the many years I have served as Ombudsman and in several other public service roles.

Clare Lewis, Q.C.
Ombudsman

Significant Cases

Ministry of the Attorney General

Ontario Human Rights Commission

Ms A filed complaints with the Ontario Human Rights Commission (the Commission) on behalf of her two minor children. She claimed her children had been discriminated against on the basis of family status when they were expelled from a skating club because of her own alleged conduct. The Commission decided not to deal with the children's complaints, concluding that they failed to establish a reasonable basis upon which they should be maintained and could be characterized as vexatious. The Commission upheld its decisions on reconsideration. Ms A complained to the Ombudsman that in dismissing her children's cases, the Commission inappropriately focused on her conduct, rather than on her children's complaints.

In reviewing Ms A's case, the Ombudsman noted that the law relating to the interpretation of "family status" changed during the course of the Commission's consideration of the children's complaints. By the time the Commission dismissed the complaints, the Supreme Court of Canada had confirmed that the concept of discrimination on the basis of family status, included discrimination based on a relationship to a particular family member. In an investigative summary, the Ombudsman commented on apparent inadequacies in the Commission staff's investigation and reporting on Ms A's case. In response to the Ombudsman's concerns, the Commission acknowledged that given the Supreme Court of Canada case relating to family status, its decisions in the children's cases might not be correct. The Commission said it would consent to a court application requesting that the complaints be sent back to the Commission for reconsideration. It also stated it would pay the reasonable costs associated with bringing the application and would assist counsel in filing it. The Ombudsman was satisfied with the Commission's proposed resolution.

Ontario Victim Services Secretariat

After reviewing information in an individual complaint file that caused him concern, the Ombudsman conducted an own motion investigation on the current policies and practices used by the Ontario Victim Services Secretariat to communicate with their clients. The Ministry indicated that the Ombudsman's investigation had prompted it to review its current procedural requirements and guidelines and to take steps to strengthen them. The Ministry stated it would be issuing a directive, revising its manual and adding a separate data field to its client database relating to client communication. The Ombudsman was satisfied with the steps being taken by the Ministry and closed his file.

Ministry of Children and Youth Services

Intensive Early Intervention Program for Children with Autism

In 1999, the former Ministry of Community, Family and Children's Services (the Ministry), established an Intensive Early Intervention Program for Children with Autism (the Program). According to the Ministry, this is a discretionary program under the *Child and Family Services Act*. The Program is now the responsibility of the newly created Ministry of Children and Youth Services (MCYS). In 2000, the Ombudsman began to receive complaints from parents about delays involving and access to the Program's services. Information provided to our staff by

the regional service providers of the Program across Ontario indicated that there were approximately 900 children waiting for assessment of eligibility and/or Intensive Behavioural Intervention (IBI) services. The Ombudsman consequently initiated an investigation on his own motion into waiting lists and service delays in the Program.

According to the Autism Society of Ontario, autism is described as a complex developmental disability appearing generally in the first three years of a child's life and is thought to be the result of a neurological disorder affecting the functioning of the brain. It is a lifelong disability. Its symptoms typically include difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. In some cases there may be aggressive and/or self-injurious behaviour, repeated body movements such as hand flapping and rocking and other unusual responses to people and objects. Autism is seen as a spectrum disorder since its symptoms and characteristics can be presented in a wide variety and range of combinations from mild to severe. Considerable research exists supporting the benefits of early intervention services for children with autism. The Program's guidelines specify that the Program is for preschool children. Children who do not receive service before the age of six are not eligible for service.

In responding to the Ombudsman's notice of intent to investigate, the Ministry stated it did not collect information about the length of time that a child may wait for assessment or services. It expressed concerns about the delay in providing services in its nine regional autism programs and advised that it had thoroughly examined the operations of the regional programs to determine the reasons behind the wait list and possible solutions to address the problem. It reported it had identified factors affecting access to the Program: program maturity, staff capacity, and staff attrition.

In November 2002, the Ministry announced that it was providing additional funding to the Program of $58.6 million to bring the total commitment to almost $100 million by 2006-2007. The announcement provided for $39.6 million for enhancements and $19 million for new programs and services for older children with autism to grow and learn in their transition to school. The Ministry later explained to the Ombudsman that, of the proposed $58.6 million invested, $1 million had already been used in 2002-2003 to enable regional programs to hire additional staff and service increased numbers of children. The Ministry stated that, by 2006-2007, it estimated there would be "763 additional staff hired and 610 additional children receiving IBI services." In addition, the Ministry noted that other investments would be made for outreach and recruitment activities including investing in colleges and universities to develop curricula in behavioural science and autism, as well as enhanced training to support the increased number of staff.

In an investigative report, the Ombudsman noted that there was uncertainty regarding the prevalence of autism at the time the Ministry was planning for the Program and uncertainty about its ability to meet the demand for services. The MCYS acknowledged that prevalence rates are still an issue of debate. The Ombudsman also noted that when it was establishing the Program the Ministry knew there was a shortage of qualified staff to deliver it and that steps would have to be taken to build human resources capacity in Ontario. However, it was not until November 2002 that the Ministry announced a significant strategy to hire and retain IBI professionals and to develop university and college curricula to train them. At the time of writing this report, the MCYS had not fully implemented its original plans or the new initiatives announced in November 2002 that were developed to address recruitment, training and retention concerns.

The Ombudsman expressed concern about the Ministry's monitoring of staffing issues as well as its failure to analyze information necessary to assess the impact of service delays on children who reach the age of six while waiting for service. During the course of the investigation, Ombudsman staff took raw data from regional service providers and analyzed it. Based on this data, the Ombudsman noted that as of December 31, 2002, 423 children had "aged out" without receiving services and over half of those children had been on the waiting list for 18 months or more before "aging out." The Ombudsman noted that there were hundreds of children currently on the waiting list who might never receive services.

The Ombudsman reviewed the Ministry's initial vision for the Program, which was to serve all young children with autism. He noted that this vision was revised to delete the word "all" by the time the Program was launched in the fall of 1999. The Ombudsman commented that the Program was initiated quickly as a result of political response without the lead-time necessary to prepare for the recruitment and training required to build the capacity to provide service. The Ombudsman expressed the view that the Program created expectations of service it was unable to fulfill and that it was incumbent on government to be open and clear regarding Program expectations. The Ombudsman acknowledged that the Program is discretionary. However, he stated, given the critical importance of IBI in assisting children with autism, it was unconscionable that hundreds of autistic children "age out" without ever receiving service, some after waiting for over 18 months.

In his investigative report, the Ombudsman also noted that the Ministry had failed to factor in the need for administrative support to manage waiting lists when planning the Program. He noted this failure led to service providers having no resources to communicate with beleaguered parents regarding their children's status on the waiting list. He commented that, while the Ministry expects that the Program will operate at full capacity by the 2006-2007 fiscal year, there is still a substantial waiting list and children who will wait in line in the intervening years without ever obtaining service. The Ombudsman also identified inconsistent practices amongst service providers with respect to managing the waiting lists. He noted nothing has been done yet to ensure a consistent and equitable approach to waiting list management. The MCYS indicated that it would be taking steps in the near future to address the waiting list issue. However, the Ombudsman noted it was unfortunate that these steps would not assist those hundreds of children who have "aged out" already without receiving service.

The Ombudsman made the following recommendations in his report. The MCYS should:

- when developing a program, have an effective strategy for recruitment, training and retention of necessary staff in place before the program begins;
- fully implement its strategy for recruitment, training and retention of IBI staff;
- effectively monitor staffing issues when implementing its programs;
- not create program expectations it is unable to meet;
- analyze information regarding the impact of service delays on children who "age out";
- take all available steps to ensure that all eligible autistic children are provided with services under the Program;
- factor in the need for administrative support to manage waiting lists when planning programs in the future; and
- ensure that waiting lists for the Program are consistently and equitably managed.

On March 26, 2004, the Minister of Children and Youth Services announced a plan, which included investment in autism research and training. It was stated that the plan would:

- Increase the number of pre-school children who receive assessments and services
- Enhance knowledge and skills of educators to support children and youth with autism in the classroom
- Strengthen support for parents as they care for their children with autism
- Provide for long-term sustainability of these services through investments in knowledge and infrastructure.

The Ombudsman will be considering the MCYS' response to his report and what, if any, further steps he will take in the next fiscal year.

Special Services at Home

The Ombudsman was contacted by Ms Y, a mother of an autistic boy living in a small town in southeastern Ontario. Ms Y complained about delay in approval of her application under the Special Services at Home program (the program) and the regional disparity in the amount of money available under the program. Ms Y claimed that if she lived across the road, she would have received more money from the program than she currently does. The program helps children with developmental or physical disabilities and adults with developmental disabilities to live at home with their families by providing funding on a time-limited basis to address individual needs.

In response to the Ombudsman's notice of intention to investigate Ms Y's complaint, the Ministry agreed that if Ms Y lived in another region, she probably would have received more money. It noted the region she resides in has a waiting list for the program of several hundred families. The Ministry advised that regions receive money under the program based on a target equity formula and their percentage of both the general population and prevalence of people eligible for the program. The Ministry told the Ombudsman that it had developed a strategic plan to deal with some of its waiting list issues. The Ministry's goals included reducing the wait list, ensuring parity amongst families of similar need within regions and providing for a contingency fund for families with high needs who apply mid-year after allocations. During the course of the Ombudsman's investigation, the region in which Ms Y lives received a funding increase of $350,000, which resulted in the Ministry reassessing all applications within the mid-range, equalizing funding and bringing 33 families off the waiting list. Ms Y's family was among those who received additional funds, in her case $2,900.

The Ministry informed the Ombudsman that since his investigation had commenced, it had conducted a review of the business practices of the entire program. It had

concluded there was considerable variation in the decision-making process used across the province and wide variation in service delivery. The Ministry advised that it has developed a new application process for the program that is being piloted. The Ministry also noted its review confirmed there were inconsistencies in the program's information maintenance systems. It has recently developed a program database, which it expects to be in use over the course of the next fiscal year and which it anticipates will enable it to monitor the program. The Ministry is hopeful that the use of the new assessment tools will address regional disparity in the future. In the southeastern region the waiting list for the program was decreased in total by 50 per cent during the course of the Ombudsman's investigation.

Ministry of Community and Social Services

Family Responsibility Office

Ms A complained to our office that the Family Responsibility Office (the FRO) had missed an opportunity to recover support arrears owing to her. In 1999, she had notified the FRO that the support payor would likely be receiving an inheritance from his father's estate. Our investigation determined that it took the FRO nearly two years to issue a notice of garnishment to the estate. By that time, the estate trustee had already distributed the support payor's inheritance elsewhere. In an investigative summary, the Ombudsman expressed the view that it was likely the FRO would have obtained funds from the estate, if it had requested relevant estate information and taken garnishment action in a timely manner. The Ombudsman made a preliminary recommendation that the FRO provide a written apology to Ms A and compensate her for its maladministration. In response, the FRO apologized to Ms A and provided her with an amount comparable to what she could have received had it taken timely action.

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Ministry of Community Safety and Correctional Services

Adult Institutional Services, Central Region

In September 2002, a riot occurred at a privately run correctional centre. During the riot, inmates removed concrete slabs from the shower privacy walls and caused substantial damage to the facility. After the riot, all inmates were "locked down" for an extended period of time. While "locked down," inmates were only allowed out of their cells into common or shower areas for brief periods during the day, there were delays in receiving medications and being seen by doctors at the facility and inmate privileges were restricted. Our office received calls about the "lock down" and reports that inmates were not receiving laundry, including clothing, sheets and blankets on a regular basis. The Ombudsman was concerned about this situation and commenced an investigation on his own motion.

After the Ombudsman sent his notice of intent to investigate, some units of the facility returned to normal functioning in January 2003 after being on "lock down" for over three months. Three other units remained on "lock down" for an additional three months.

Our investigation revealed that the private facility's shower privacy walls had not been built to contract specifications and required repair. The delay in the facility returning to normal functioning resulted from a dispute between the facility's builder and the Ontario Realty Corporation over who was responsible for repairing the walls. The facility

could not make the necessary repairs without Ministry approval. The Ministry would not approve the repairs saying they were the builder's responsibility. However, they agreed the facility's staff could repair the privacy walls, if there was a security breach. The builder finally agreed to make the necessary repairs. Consequently, the remaining units were taken off "lock down."

Our investigation also found the laundry supply was inadequate and did not comply with the facility's standing orders. As a result of the Ombudsman's investigation, a laundry officer was hired, a laundry tracking system set up and additional laundry supplies were ordered to ensure inmates were given the required laundry.

The Ministry is responsible for the health care of all inmates in provincial correctional facilities. Our office received information indicating that federal immigration detainees in a provincial facility were experiencing delays in receiving emergency as well as routine health care because of decisions taken by the RCMP and/or Citizenship and Immigration Canada. The Ombudsman commenced an investigation of this issue on his own motion. In response, the Ministry reported it had initiated discussions with Citizenship and Immigration Canada to establish a memorandum of understanding dealing with responsibility for transporting immigration detainees for the purpose of health care. The Ministry had also entered into arrangements with a local police force to provide escort services when the RCMP was not immediately available. As these initiatives addressed the Ombudsman's concerns, the investigation was closed.

A number of inmates at a women's correctional facility contacted the Ombudsman complaining they had not been able to vote in the October 2003 provincial election. As provincial inmates are entitled by law to vote and no citizen should be disenfranchised arbitrarily or by negligence, the Ombudsman investigated this complaint on his own motion. The Ministry initially replied that Elections Ontario had mailed out the proxy voting package to the wrong address. Our investigator discovered the Ministry had provided institution labels to Elections Ontario in early 2003. However, the Ministry had requested that the labeled packages be returned so that instructional material to be posted in correctional institutions could be put on Ministry letterhead. In the end, it was the Ministry that mailed out the packages.

The women's correctional centre in question had relocated between the time the labels were sent to Elections Ontario and the time the packages were mailed by the Ministry. There was no address label for the correctional centre's new address and the package sent to the former address was used by a youth facility now occupying the site. The Administrator of the youth facility did not forward the package on and the official at the women's correctional facility designated to handle election issues took no action to find out about election procedures.

The Ministry, when told of the information obtained in the investigation, agreed that it would provide the inmates affected with a written apology. The Ministry also committed to developing a policy relating to handling information received from Elections Ontario. On the basis of these two undertakings, the Ombudsman determined no further investigation was necessary.

When a new adult correctional centre opened, the Ombudsman began receiving many complaints from inmates at the facility about health care and food services. The Ministry had transferred the responsibility for the operation of the facility through contract to a private operator. The private operator subcontracted the provision of health care and food services. The Ministry has a Contract Compliance Unit on site to monitor compliance with the Services Agreement between the Ministry and the contractor.

The Ombudsman initiated an investigation on his own motion into whether the Ministry was ensuring the facility was providing health care and food services in compliance with the terms of the Services Agreement with the private operator.

The Ombudsman's investigation identified a common theme of inadequate operating systems, coordination, planning and resources. During the course of the investigation, the Ministry and the private operator resolved several of the concerns that were identified. The Ombudsman issued a report setting out the results of his investigation and his recommendations.

In his investigative report the Ombudsman noted that, while the Ministry is now conducting regular reviews of health care services, those reviews were not initiated until his investigation had commenced and until the facility had been open for eight months. The Ombudsman was also of the view that the Ministry had failed to establish clear and comprehensive health care standards in a timely manner. The Ombudsman expressed concern that the Health Care Unit was not adequately staffed when the facility opened and that the Ministry had failed to adequately plan for dental and radiological services. The Ombudsman noted that the Ministry had not met its contractual obligations to provide resources for health care services and suggested that had there been better planning, these services could have been provided at the facility when it opened.

Our investigation found that in some cases it took up to six days for inmate requests to see a doctor to reach the Health Care Unit and another 10 days after the Health Care Unit received the request for an inmate to see a doctor. The Ombudsman noted that the Ministry had taken steps recently to address his concern regarding forwarding inmate requests to see a doctor to the Health Care Unit in a timely manner. However, the Ombudsman found that in other correctional facilities, inmates are seen within two to three days of submitting a request. He expressed the view that the standard of medical care available should not vary between privately and publicly run correctional facilities.

The process for dispensing medication at the facility is different from that used at other provincial correctional facilities. The Ombudsman stated he would monitor complaints regarding this process in future. The Ombudsman also identified instances when missed medication doses were not properly documented.

The Ombudsman expressed concern about the Ministry's planning for the implementation of food service at the facility, however, he noted that the Ministry had taken steps to ensure that inmates were provided with meals. He noted that efforts had been taken to improve meal service delivery and quality control but expressed the view that the Ministry should have ensured that adequate processes were in place when the facility opened and that written policies and procedures for inspection and documentation of meal quality and quantity should have been in place earlier. The

Ombudsman identified problems relating to the systems in place for the distribution of specialized diets to inmates.

The Ombudsman noted that the Ministry was leaving it up to the private contractor to identify valid inmate complaints for the purpose of the Ministry's monitoring of contract compliance and that this might result in the Ministry being unaware of performance deficiencies. The Ombudsman recommended that the Ministry implement a comprehensive monitoring system as soon as possible based on predetermined performance standards to ensure that contractual obligations are met.

The Ombudsman made 14 recommendations. The Ministry accepted all of the Ombudsman's recommendations and either implemented or proposed steps to implement them. The Ministry committed to updating the Ombudsman on the status of implementation on a quarterly basis.

The investigation resulted in many positive changes. For example, the Ministry agreed to conduct regular audits of any facility in which health care services are provided under contract in a timely manner and to continue audits at the facility on at least a quarterly basis. The Ministry agreed that clear and comprehensive health care standards would be developed for the facility. The Ministry also agreed to address issues related to the provision of on-site radiological services. The Ministry noted that a new protocol was in place at the facility to ensure the timely delivery and response to requests from inmates to see a doctor. The Ministry also developed a clear definition of medication omission, which will require the contractor to send an Occurrence Report to the Ministry.

With respect to food services, steps were taken to address the Ombudsman's concerns about the provision of specialized diets to inmates at the facility and quality control measures were improved. The Ministry agreed that in the future when a new facility is opened it would have in place the required written policies and procedures for the inspection and documentation of meal quantity and quality.

The Ministry agreed to ensure that the contractor provides timely responses to requests for information and to implement a comprehensive monitoring system based on predetermined performance standards. It also explained that it developed a Contract Compliance Unit protocol manual, which sets out monitoring and reporting schedules to determine if the contractor is in compliance with its protocols.

Young Offender Services

Toronto Youth Assessment Centre

Young persons and the Office of Child and Family Service Advocacy (the Advocate's Office) alerted the Ombudsman to concerns about conditions at the Toronto Youth Assessment Centre (TYAC). Media reports also identified significant problems with TYAC, particularly peer-on-peer violence. The Ombudsman initiated an investigation on his own motion, focusing on the planning for the opening of TYAC.

Our investigation found that the planning for TYAC was influenced by the death of a youth at a shared adult facility in September 1996. In November 1996, the Ministry retained two independent consultants who recommended that youth be housed in stand-alone centres. In May 1997, the Ministry submitted a proposal to close a young offender unit at a detention centre and create a 142 bed centralized youth assessment and detention unit at a recently closed detention centre site with a staff of 98. The proposal set out a critical path, which included provision for three weeks of staff training. The proposal also identified that the change in the nature of supervision from adult to youth would require extensive training and dramatic reorientation. TYAC opened on January 12, 1998.

The original mandate of TYAC was to ensure youth from, remanded or sentenced in the Greater Toronto Area (GTA), would receive any necessary assessment in a timely fashion. It became apparent during the course of our investigation that TYAC's mandate had changed over time. A number of reviews, focus groups and an internal audit identified problems in carrying out TYAC's mandate. In September 2000, the Advocate's Office and in July 2001, a Ministerial review, recommended that the Ministry re-evaluate the need for and value of a comprehensive assessment process at TYAC. By February 2001, the Ministry had stated that TYAC was no longer operating under the comprehensive assessment model. Factors contributing to this were outlined in a Memorandum in February 2002, and included limitations of the physical structure, sustained crowding pressures, limited programming space, staff training issues relative to a high turnover rate, increased levels of peer-on-peer violence and communication issues between clinical and correctional levels.

It was the Ombudsman's preliminary opinion that TYAC was unsuitable for the purpose of a youth detention centre and should be replaced as soon as possible

One of the factors identified as contributing to delays in assessments was the physical structure.

We also received complaints regarding the contribution of the physical layout to peer-on-peer violence, security and programming problems. We were advised by staff involved in the planning for TYAC that there was no methodology used to determine the appropriateness of the design of TYAC. We were also told the move to the TYAC site was an interim plan and that pressure was applied to move the youth before the planning committee was ready to do so. In June 2000, in responding to inquest recommendations, the Ministry stated that another GTA site would be retrofitted and expanded to become a 350-bed youth centre by spring 2002. However, as of May 2003, Ministry staff had indicated that the capital plan had not yet been approved. In March 2004, the Ministry's website also stated that the GTA Centre for youth was pending project approval.

Ministry staff stated the grille doors in TYAC contributed to inappropriate communication, increased noise level, lack of privacy, the throwing of debris and peer-on-peer assaults. We were advised that the youth "grab others in the living area and smash their heads on the grilles." The Advocate's Office Report in 2000 also referred to this practice known as "grilling."

The Advocate's Office noted in its 2000 report and TYAC staff we interviewed confirmed, that TYAC's floor plan, with long and narrow day rooms and obstructed views, contributed to peer-on-peer assaults and security issues. Staff also said TYAC does not have enough room to run programs or enough space in the school area to accommodate all the youth who want to attend. We were also told by TYAC staff that double-bunking, because of lack of space and overcrowding, allows no privacy and permits youth to assault or assist others to assault cellmates. The Advocate's Office reported in 2000 that TYAC provided limited yard time and recreational opportunities to youth and had no gymnasium. We learned that although the Ministry had identified early on that not having a gymnasium was a deficit, a gymnasium was not built at the site until May 2003.

Ministry staff advised that the original staffing ratio proposed for TYAC was based on consultant recommendations. A staff to youth ratio of 1 to 8 by day and 1 to 16 by night was recommended by one consultant. A coroner's jury made a similar recommendation in April 1999. Staff involved in TYAC's planning told us the Ministry decided to fund less staff for TYAC than was recommended in the proposal. We were told that a 1 to 8 ratio was approved by

the Ministry in principle in 2001. However, this ratio was not adhered to in all units at TYAC. The Advocate's Office as well as TYAC's Joint Occupational Health and Safety Committee recommended that the staffing ratio be increased. Our investigation found that inadequate staffing ratios at TYAC resulted in insufficient staff being available to supervise youth using the gymnasium, in the yard or in programs. We were told that there had been shortages of social workers and psychology staff.

Our investigation found that some of the staff at TYAC who transferred from working with adult inmates were provided with two weeks of training rather than the recommended three weeks. Additional training was also limited. While four officers from TYAC participated in a 2001 associate trainer training on peer-on-peer violence program, because of staffing pressures, this training had never been offered on site as was originally intended.

Our staff reviewed 10 investigation reports regarding TYAC, completed by the Ministry's Correctional Investigation and Security Unit (CISU), which investigates serious incidents. The findings of these CISU investigations included numerous incidents in which TYAC staff did not follow sound and accepted corrections practices, contravened Ministry guidelines, exercised poor judgment and failed to submit incident reports and/or make notes of significant observations in logbooks. Lack of staff training was cited in several of the investigations.

After our investigation had been essentially completed, the Advocate's Office issued a report on TYAC on December 5, 2003. The Advocate's Office stated it continued to have very serious concerns and made a number of recommendations including that TYAC be closed. We were told by the Ministry that there were major changes at TYAC following the release of the Advocate's Office's 2003 Report. In December 2003, the Ministry permanently downsized the population at TYAC by 50 per cent. We were advised of a number of improvements at TYAC, for instance, it is now meeting the staffing ratio recommended by the Ministry, there is no waiting list for school, staff are continuing suicide prevention training, and there is a structured activities schedule for the recreation program.

Based on the information obtained during our investigation, it appeared to the Ombudsman that, from an early date, TYAC was having difficulty fulfilling its original assessment model mandate. While the move to the TYAC site was intended to be short-term, TYAC was still in operation at the site six years later with a physical structure unsuitable to its purpose.

The Ombudsman noted that TYAC's grille doors, long corridors with obstructed views, lack of programming space and double-bunking have combined to create an environment conducive to peer-on-peer violence. TYAC did not have the staff complement originally recommended in the Ministry's May 1997 proposal. Until very recently, it appeared TYAC was not able to meet the Ministry's recommended ratio of officers to youth on some units during the day and generally did not meet this ratio at night. Staffing deficiencies led to security problems and affected TYAC's ability to offer recreation programs and clinical services. However, the Ombudsman noted it did not appear that any decisive action to remedy the situation was taken until his investigation was well underway and the Advocate's Office had issued its December 2003 report. The Ombudsman also noted it appeared that the training provided to staff at TYAC had been limited.

The Ombudsman commented that TYAC has finally succumbed to outside pressure and that steps are finally being taken to address some of its shortcomings. He noted, however, that it was unfortunate these changes came too late to assist many of the youth who had to endure its deplorable conditions over the last six years. He stated

there were important lessons to be learned by the Ministry in planning and implementing similar initiatives in the future. While the Ministry had indicated that plans are underway to open a new youth facility, it was well beyond the date originally envisioned for its construction. It was the Ombudsman's preliminary opinion that TYAC was unsuitable for the purpose of a youth detention centre and should be replaced as soon as possible. The Ombudsman made two preliminary recommendations: that the Ministry should in future carefully assess locations to be used for the detention of youth to determine their suitability and ensure that adequate staffing is provided and should ensure that the staff of TYAC are provided with appropriate training on an urgent basis.

The Ministry accepted the Ombudsman's recommendations, noting that as a result of reduced numbers of youth at TYAC, current staffing levels are appropriate, an enhanced training plan to address peer-on-peer violence and to strengthen training for youth workers has been implemented and that TYAC would close on June 30, 2004. The responsibility for Youth Justice Services was recently transferred to the Ministry of Children and Youth Services.

Ministry of Consumer and Business Services

Registrar General Branch (RGB)

Through media reports, the Ombudsman learned homeless and other marginalized individuals appeared to be having increasing difficulty obtaining birth certificates they needed to obtain social services. The fees for birth certificates had increased significantly and as a result of concerns about stolen identities, applicants had to have a guarantor. The Ombudsman decided to investigate this issue on his own motion. The investigation found certain community agencies have funds to pay for birth certificates for those who are indigent. These agencies often apply for birth certificates on behalf of their impoverished clients. We discovered that the RGB had designated a contact person for those representing vulnerable applicants and additional staff were being trained to deal with these types of applications. The RGB stated the list of those who are acceptable as guarantors for birth certificates is being expanded. It also committed to training regional staff in land registry offices to ensure they know how to identify and give appropriate referrals to those with special access needs. The Ombudsman was satisfied with the information provided by the Branch and decided to close his file but continue to monitor the situation.

When the number of complaints about the level and quality of service provided by the RGB increased dramatically this year, the Ombudsman initiated an own motion investigation to explore the situation. The complaints we received involved unreasonable delays in processing certificates and registrations, difficulty making telephone contact with the RGB, lengthy waiting time for service at the Toronto counter location, and lack of communication with applicants.

The Ministry responded, acknowledging the delays in service and explained that this situation was attributable to a steady series of unanticipated events commencing at the end of 2001, compounded by a major change initiative that included replacement of the RGB's information technology system. The Ministry provided a summary of the events that contributed to delay. One of the significant causes was the response to the events of September 11, 2001. The Ministry noted that since that time, the demand for birth certificates has steadily increased and the *Vital Statistics Act* was amended to strengthen the security and safeguards in place for issuing birth certificates. The Ministry stated in total the RGB has put over 100 new security measures in place to make birth information and certificate issuance more secure. The Ministry provided

operational statistics (services requested, backlogs and processing times) and described a recovery strategy to return to reasonable levels of service. During the course of the Ombudsman's review of this matter, the Ministry committed $2.6 million to address the processing backlog. By the end of March 2004, the Ministry had hired 107 temporary staff, and advised that additional temporary staff were to be hired. The Ministry noted that the hours of operation had been extended, with RGB staff in Thunder Bay working overtime, weekends and night shifts. The Ministry also took steps to improve service at the Toronto counter location.

While the Ombudsman remained concerned about the deterioration in the level and quality of service provided by the RGB, on the basis of the steps the RGB began taking and its objective to return to reasonable levels of service by the end of July 2004, he decided that further investigation was not necessary and closed the file on this matter. The Ombudsman asked the RGB to provide monthly updates on the operational statistics to allow him to monitor the RGB's progress. The Ombudsman advised the RGB that he appreciated its response to the situation, but he questioned whether better planning and the earlier allocation of resources could have avoided these problems.

Ministry of Health and Long-Term Care

Consent and Capacity Board

The Ombudsman initiated an own motion investigation concerning the Consent and Capacity Board, after receiving a number of complaints from lawyers about its administrative practices. The Board is responsible for conducting hearings under the *Mental Health Act*, the *Health Care Consent Act, 1996*, the *Substitute Decisions Act, 1992* and the *Long-Term Care Act, 1994*. The Board's responsibilities include adjudicating matters relating to involuntary civil commitment and matters of capacity. The concerns identified by the Ombudsman related to the Board's failure to produce records and transcripts of proceedings under appeal promptly, as required by the *Health Care Consent Act, 1996* (the Act) and excessive delay in producing reasons for decision contrary to the Act, which requires the Board to produce written reasons within two business days on request. The Ombudsman also questioned the Board's procedure for safeguarding tapes, transcripts and records of proceedings under appeal.

The Board responded to the Ombudsman by explaining that it had taken several measures to improve its administrative procedures such as centralizing administration and case coordination and replacing audio/video recorded hearings with court reporting. The Chair advised that he had implemented a system for following up with Board members when written reasons are outstanding and had developed new Rules of Practice, which took effect March 31, 2004. Following a review of all available information, the Ombudsman decided to monitor the Board's efforts to improve its operations, as he was of the view that time was required to evaluate the effectiveness of the Board's new strategies.

Trillium Drug Program

The Ministry, through the Trillium Drug Program, provides drug benefits to individuals who have high drug costs in relation to their income. We received a complaint from Mr. L, who suffers from a chronic illness and was prescribed medications that are eligible for reimbursement under the Program, if prescribed under certain conditions. The Program had denied Mr. L's request for reimbursement. Mr. L maintained the Ministry's decision to deny him benefits under the Program adversely impacted his health and created financial hardship for him. During the course of the Ombudsman's investigation of Mr. L's complaint, the Ministry agreed to reimburse him $4,360.18 for medication costs incurred for an 11-month period. The Ombudsman commended the Ministry for its decision and made informal suggestions highlighting his concerns about the communication process used to inform Program recipients and physicians of the Program's medication reimbursement criteria.

Ministry of Natural Resources

Field Services Division

Two brothers complained to the Ombudsman that the Ministry of Natural Resources was unreasonably disputing their ownership of an island adjoining their mainland lot on a river. They contended the island was part of the mainland lot purchased from the province by their great-grandfather in 1841 and only became an island as a result of flooding caused when two dams were built on the river.

Our investigation confirmed the Ministry had reviewed the ownership issue on several occasions. In 1954 and 1982, the Ministry assured the family that the island was theirs. However, in 1996, based on the assessment of technical evidence, including the original plan and survey, the Ministry decided that the island had always been an island, had never formed part of the brothers' property and was still owned by the province.

After several meetings, the Ministry offered to sell the island to the brothers for an administrative fee of $750, provided certain conditions were met. The brothers did not meet these conditions and the Ministry later reconsidered its decision to sell the island in view of several factors: it was within a provincial park; the sale could compromise land claims negotiations; there was public interest in the site; and the island is within a significant tourist area for white water rafting.

Based on his investigation, the Ombudsman found that much of the technical evidence relating to the ownership of the island was conflicting. He noted there were a number of other interests potentially affected by the outcome of any decision regarding ownership. Under the circumstances, the Ombudsman considered that the ownership issue was more properly suited for consideration by the courts, which have the authority to make a final determination. Without resolving the ownership issue, the Ombudsman considered the impact of the Ministry's actions from the perspective of administrative fairness. The brothers said they had incurred significant costs relating to the island over the years, including local taxes, legal costs, survey costs and their time. In an investigative summary, the Ombudsman made a preliminary recommendation that the Ministry compensate the brothers for their costs and pay a sum of money that reasonably recognized the frustration they experienced, as well as the time and energy they expended, as a result of the inconsistencies in the Ministry's position.

The Ministry offered compensation conditional on the brothers agreeing to release any interest or entitlement to the island. The Ombudsman was satisfied that the offer of compensation addressed his concerns and closed the file. He requested the Ministry to continue negotiations with the brothers and asked to be copied with documentation related to the negotiations.

Ministry of Northern Development and Mines

Mineral Development and Lands Branch

Mr. S, a licensed prospector who holds several mining claims in Northern Ontario, complained to the Ombudsman that the Ministry failed to comply with the deemed approval provision in the regulations under the *Mining Act* (the Act) when it was late in notifying him of deficiencies in his assessment work report.

...the Ombudsman made a preliminary recommendation that the Ministry compensate the brothers for their costs and pay a sum of money that reasonably recognized the frustration they experienced, as well as the time and energy they expended, as a result of the inconsistencies in the Ministry's position.

The Ombudsman's investigation included a review of the Act and regulations. The Act requires the holder of a mining claim to perform a minimum amount of assessment work annually to keep a mining claim in good standing.

The Ministry reviews assessment work reports submitted by claim holders and determines the amount of credit that can be applied to mining claims. The Act provides that when documents are served by prepaid first class mail to a licence

holder, the service "shall be deemed to have been made on the fifth day after the mailing." The regulations require that the Minister notify the holder of a mining claim, in writing, if an assessment work claim is rejected for assessment work credit or a work credit is reduced. If no notice is given by the Minister within 90 days after the work report is filed, the regulations require that the eligible assessment work described in the work report receive deemed approval for assessment work credit.

In this case, the Ministry's letter of notification was dated three days prior to the 90th day, it was postmarked on the 90th day, and was received by Mr. S, 98 days after he filed his work report. The Ministry took the position that the regulations provide the Minister with 90 days from the date of filing to send the notice and the Act allows the Ministry to assume Mr. S received the notice five days after it was mailed.

The Ombudsman notified the Ministry that is was his preliminary opinion that it was not unreasonable for Mr. S to expect that he should have received the Ministry's notice by the 90th day. The Ombudsman did not find the Ministry's position, that the process set out in the Act for service does not apply to the notice required to be sent under the regulations, to be persuasive. The Ombudsman expressed the view that, if the Ministry were correct in its view that the Act's service provisions did not apply, in the absence of a statutorily-mandated method of determining when notice or notification had been given, actual notice would be required. It was the Ombudsman's view, consistent with administrative fairness principles, that notification generally includes not just the act of sending a notice but the act of receiving it as well.

The Ombudsman notified the Ministry that it was his preliminary opinion that Mr. S did not receive the Ministry's notice within 90 days after his work report was filed and the eligible work in the work report should have received deemed approval in accordance with the regulations. He noted that the Minister's Mining Act Advisory Committee (MMAAC) had recommended that notice should be sent on the 85th day and the Ministry had since changed its practice to meet this timeline. On the basis of the information obtained in the investigation, the Ombudsman informed the Ministry that he was considering recommending that it deem all of Mr. S' assessment work report approved and credit his mining claims accordingly.

The Ministry accepted the Ombudsman's preliminary recommendation and agreed to approve Mr. S' assessment work report. While the Ministry did not agree with the Ombudsman's position on the regulatory notification timelines, it confirmed that its current practice of sending a notice in 85 days will continue, as the Ministry in consultation with the MMAAC, determined that there might otherwise be some confusion about the timing of the notice. The Ministry added that it would be considering the need for further clarification of the regulation to avoid future questions about its interpretation. The Ministry's response satisfied the Ombudsman's concern with respect to this issue.

Ministry of Training, Colleges and Universities

Colleges of Applied Arts and Technology

The Ombudsman initiated an own motion investigation into the administrative practices of a College of Applied Arts and Technology, after his review of an individual complaint revealed a number of systemic issues. The Ombudsman was specifically concerned about the College's practices relating to academic dishonesty and protocols regarding communication and confidentiality.

The Ombudsman expressed concern that the Academic Dishonesty Policy did not specify which steps were to be followed in the case of a single or multiple academic offences. The Ombudsman also identified concerns about the lack of protection of confidential student information in academic offence matters. In response to the Ombudsman's concerns, the Acting President of the College advised that he was in the process of taking steps to redress the issues identified by the Ombudsman. A College Council was established, representing all employee groups, to review and develop College policy, and specifically the Academic Dishonesty Policy. The Acting President committed to updating the Ombudsman regarding the progress of development of this policy. The Acting President acknowledged that the Ombudsman's investigation clearly disclosed a wanton disregard of policy, process and respect for confidential matters and indicated that the responsible individual was no longer with the College. The Ombudsman was satisfied with this response and closed his file.

Ministry of Transportation

Northwestern Region

Local roads boards can be established in territories that are not within an organized municipality. These boards, with the approval of the Minister, determine the work to be done on local roads and may levy a sum annually on the taxable land in a local roads area. The amount collected by a local roads board is paid into the Consolidated Revenue Fund and credited to the board. Prior to 1996, the Minister credited local roads boards with an amount equal to twice the amount collected. As a result of a legislative change effective 1996, the Minister was to credit a board with an amount "not exceeding" twice the amount received from the board. In 1997, the Ministry changed its funding formula from a contribution of 2:1 to 1:1. A local roads board complained to the Ombudsman that the Ministry had inappropriately "clawed back" funds being held to its credit for local road work, when the Ministry applied the new funding formula in 1997.

In an investigative summary, the Ombudsman noted that based on his review of the relevant legislation, it appeared the Minister had a duty to spend the money credited to a local roads board on the local roads area. He reached the preliminary opinion that the Ministry was unreasonable to adjust the balance of the board's account by removing funds and made the preliminary recommendation that the Ministry credit the board with the monies owing. After reviewing this summary, the Ministry met with officials from the board and agreed to credit it with over $17,000, which represented the amount that the Ministry had originally taken back.

Year in Review

Inside Ombudsman Ontario

Ombudsman Ontario's corporate structure consists of three units: Complaint Services, Corporate Services and Legal Services. The core business of the organization – the intake, early resolution and investigation of complaints regarding provincial governmental services – is delivered by Complaint Services. Legal Services conducts reviews and investigations of complaints about final decisions of tribunals. Corporate and Legal Services also provide expertise, support and resources to ensure our overall service delivery is efficient, effective, economical and essential.

Organizational culture, structure and staff successes go hand-in-hand. Ombudsman Ontario recognized three years ago that it needed to create within its workplace a sense of community that reinforced the notion of staff being colleagues, respected for the strengths that they bring to the organization and supported when developmental needs and opportunities are identified.

Building on our past strengths, we have increased our efforts to further our application of internal and external customer service principles and quality service delivery strategies. We have established a leadership philosophy amongst staff that promotes participation, innovation and creativity – truly becoming a learning organization.

Complaint Services

During this past year, Complaint Services continued its focus on reviewing and changing existing practices and procedures to enhance its service delivery. One activity involved the process mapping of all existing complaint handling functions. This extensive process led to the elimination of duplication, streamlining of processes and the reallocation of decision-making to staff closest to the issue at hand. Work continues to map the revised processes, which will result in the creation of a useful training tool and quality assurance mechanism.

Other accomplishments include the creation of service definitions, setting out the mandate and reporting structure of Complaint Services, as well as the program definition and service management of each team within Complaint Services; the development and implementation of quality assurance checklists for file management; increased opportunities for staff development through acting assignments to support succession planning; and the development and implementation of a competency-based performance management system.

Training continued to be a priority this year resulting in increased opportunities provided to staff both internally and externally. Staff's knowledge of government programs has been enhanced by attendance of guest government speakers at team meetings, as well as through our participation in government sponsored training programs. Staff participated in training covering such topics as complaint analysis and evidence gathering.

Corporate Services

In 2002, we undertook an extensive audit of our human resources practices. During this past year, a great deal of effort has been made to implement the recommendations of that audit. Achievements include the creation of a staff position dedicated to training and recruitment; the updating and/or development and implementation of several policies and procedures including those relating to first aid, code of ethics, security, and religious accommodation. A job classification review was initiated. With Human Resources well underway with its responses to the audit recommendations, during this past year we initiated an audit of our financial procedures,

practices and resources. The findings of this audit were delivered in the spring of 2004 and will be considered in the next fiscal year.

Our management team clearly understands its role of supporting and coaching staff to achieve their optimum performance under the umbrella of our mission statement, corporate values and organizational policies. To further support the development of our management team, Ombudsman Ontario has established a Management Certificate Program, which provides training on a range of topics relevant to our needs.

The theme for our annual staff conference, held in the fall of each year, focused on "Excellence in a Changing Environment" and emphasized topics on customer service and capability development areas.

The majority of Ombudsman Ontario staff are represented by the Office and Professional Employees International Union (OPEIU). With a collective agreement set to expire on March 31, 2004, contract talks commenced in January 2004 and resulted in a three-year collective agreement negotiated prior to the expiration of the existing contract.

During the SARS epidemic, Ombudsman Ontario developed an emergency response plan that was also put into use during the Province-wide blackout in August 2003.

Ombudsman Ontario continued to enhance the effectiveness of its information systems. A new operating system was installed, allowing for improvements to our case management system. An additional 1-800 number was acquired to provide toll-free access to complainants wishing to contact us by fax machine.

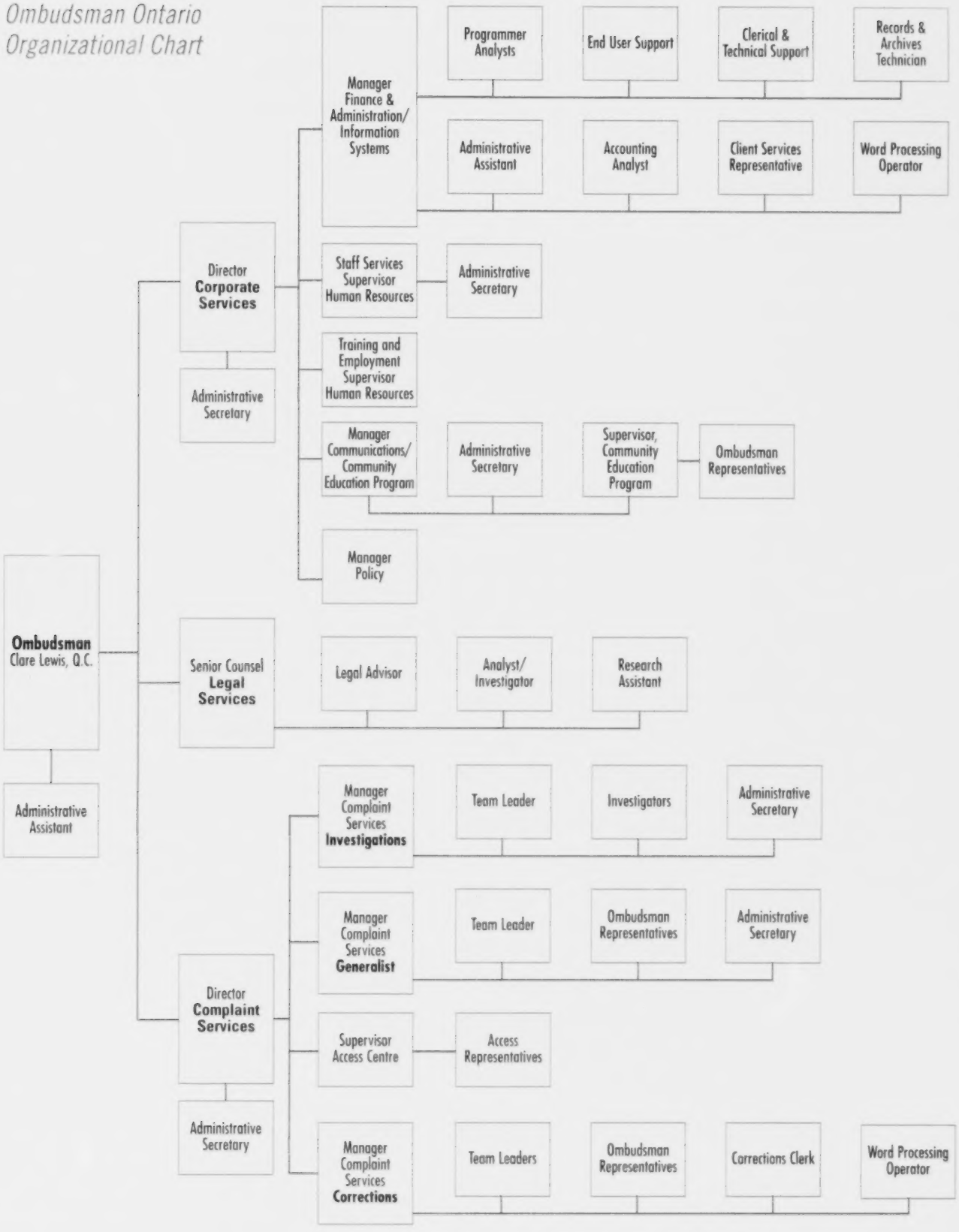
Increasing public awareness of our organization is part of the strategic direction of the Community Education Program (CEP). The public of Ontario has a right and a need to be aware of the availability of the Ombudsman, that our important public service is confidential and is provided at no cost to the complainant. This year our advertising and promotional campaign set out to support the CEP team's efforts and included the continuation of our public service announcement (PSA) on television stations as well as the introduction of the PSA on radio stations across Ontario. Deliberately focusing our efforts in the Greater Toronto Area (GTA) where past surveys found our profile was the lowest, advertising placed with various ethnic media was further strengthened by print advertising placed in commuter newspapers and posters on subway platforms. As a result, the proportion of people from the City of Toronto and the GTA who said they heard about Ombudsman Ontario through the media, rose from 15 per cent to 24 per cent during the year.

Ombudsman Ontario staff's efforts to support local charities resulted in almost $14,000 raised from special events and payroll deductions.

Legal Services

Legal Services revised policies relating to conflict of interest, political activity and delegations. They also identified and implemented technical legal training strategies for Complaint Services. An annual internal customer service satisfaction survey was completed. Legal Services also initiated a review of operational issues to enhance efficiency, effectiveness and resource utilization and simplified electronic accessibility of their electronic resources. Legal Services supported the Ombudsman's submissions on Bill 31, the *Health Information Protection Act, 2004*, to the Standing Committee on General Government.

Ombudsman Ontario Organizational Chart



Complaints About Us

Since 1996, Ombudsman Ontario has maintained a system to review complaints from the public and government employees who are dissatisfied with the manner in which Ombudsman Ontario handles a complaint. Our "Complaints About Us" program is a valuable asset in our efforts to improve our service delivery and provide fair and accountable service.

Complaints we receive are classified into one of three categories: complaints about decisions, opinions or the disposition of a file; complaints about staff conduct; and, complaints about Ombudsman Ontario policies and procedures.

During the fiscal year 2003-2004 Ombudsman Ontario reviewed 30 complaints made about our office, an increase of 15 complaints from last fiscal year. Many of the complaints reviewed this year fell into more than one classification: 18 concerned the decision, opinion or disposition of a file, 15 were about staff conduct and nine related to Ombudsman Ontario policies and procedures.

Of the 30 complaints reviewed, 20 were resolved on an informal basis and ten required a more lengthy review of the circumstances involved. The resolutions of the 30 complaints are as follows:

- An apology was issued to complainants in nine cases, and in one case compensation was paid along with the apology.
- A letter was sent explaining and upholding the decision in seven cases.
- The file review process was explained in three cases.
- Following a review of the circumstances, the complaint was unsubstantiated in 11 cases.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file. Alternatively, you may forward your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail at info@ombudsman.on.ca or visit our web site at www.ombudsman.on.ca.

Creating an Internal Complaints Process

The Ombudsman encourages governmental organizations to create their own internal complaints processes. Such processes give an organization an opportunity to assess whether it is meeting its service standards and to improve service delivery. The following are some criteria the Ombudsman suggests be considered when creating an internal complaints process:

What is a complaint and who can complain?

- The term complaint should be broadly defined to ensure it captures the various forms of dissatisfaction expressed by persons dealing with the organization.
- Complaints should be encouraged from anyone unless the nature of the organization's services suggests there is a reason to limit who can complain to them.

Who will handle complaints?

- To ensure its credibility, effectiveness and accountability, the internal complaints process should receive appropriate resources and a senior official should be responsible for its administration.
- To ensure greater confidence in the process, the internal complaints process should be functionally independent from the rest of the organization.

Policy and Procedures

- The internal complaints process should be clearly set out in policy and procedures.
- Organization staff should be:
  - trained on the internal complaints process;
  - required to cooperate in the complaints process (e.g., give evidence if necessary); and
  - encouraged to refer the public to the internal complaints process.
- The public should be provided with information regarding the internal complaints process; this can be done through standard correspondence, brochures, websites, government directories and other methods.
- The internal complaints process should be accessible; complaints should be accepted in as many forms as possible (e.g., by telephone, writing, e-mail, TTY, in person).
- The internal complaints process should provide for accommodation for those with special needs (e.g. persons with disabilities, language requirements).

Dealing with Complaints

- Complaints should be acknowledged once received and complainants should be told at the outset what they can reasonably expect from the complaints process.
- Complaints should be resolved within a reasonable timeframe. Complainants should be kept informed while their complaint is being considered and any delays honestly explained.
- The individuals responsible for considering complaints should have sufficient authority to obtain the necessary information and effect resolutions; consideration should be given as to whether complaints may be mediated, investigated or both.
- Time and resources should not be wasted on complaints that are frivolous, vexatious, made in bad faith or are too old or vague to properly assess. The internal complaints process should provide for discretion to dismiss such complaints.
- In accordance with principles of administrative fairness, those affected by the complaint should be given an opportunity to comment on any information adverse to their interests before any decision regarding resolution is made.

Administration of Complaint Documentation

- Complaints and their resolution should be documented; a process should be established for complaint file storage and if appropriate, retrieval.
- Access to complaint files should generally be limited to ensure confidentiality and the integrity of the complaints process and must be consistent with any relevant legislative requirements.

Resolution of Complaints

- The outcomes available through the internal complaints procedure should be flexible. The ability to admit errors and apologize for them should be seen as not a weakness but a strength. Officials should be encouraged to express sincere regret when errors have been made. In appropriate circumstances compensation should be paid.
- Reasons should be provided for decisions made regarding complaints.
- If a person persists in complaining about the same issue, after it has been seriously considered and reasons provided for not supporting it, the organization should have the ability to state that it will not consider the complaint further.
- If a complaint regarding inappropriate staff conduct is supported, consideration must be given to the relationship between human resource management policies, collective agreements and employment agreements.

Reporting and Monitoring

- There should be some system for reporting back to the public about complaints received and outcomes.
- There should be a monitoring mechanism to ensure that individual resolutions are implemented and systemic problems identified by complaints are remedied.

Salary Disclosure

The following list of those earning $100,000 or more in T4 income for the year 2003 is being reported in accordance with the *Public Sector Salary Disclosure Act, 1996*:

Clare Lewis, Q.C., Ombudsman

T4 Income	$181,576.59
T4 Taxable Benefits	$1,700.92

John Allan, Manager, Finance, Administration/ Information Systems

T4 Income	$106,700.56
T4 Taxable Benefits	$176.25

Peter Allen, Director, Corporate Services

T4 Income	$125,478.52
T4 Taxable Benefits	$233.66

Lenna Bradburn, Director, Complaint Services

T4 Income	$138,915.05
T4 Taxable Benefits	$252.62

Laura Pettigrew, Senior Counsel

T4 Income	$141,623.65
T4 Taxable Benefits	$265.34

Wendy Ray, Senior Counsel

T4 Income	$141,623.65
T4 Taxable Benefits	$265.34

*Unaudited Statement of Expenditure for the year ended March 31, 2004**

Expenditure	2003-2004 Estimates $	2003-2004 Actual $	2002-2003 Actual $
Salaries & Wages	5,462,200	5,379,576	5,060,998
Employee Benefits	1,213,500	1,043,618	855,992
Transportation & Communication	561,900	432,306	430,334
Services	1,528,000	1,672,219	1,572,156
Supplies & Equipment	259,000	415,844	568,995
Sub Total	9,024,600	8,943,563	8,488,475
Less Miscellaneous Revenue	0	15,937	18,405
Net Expenditure	**9,024,600**	**8,927,626**	**8,470,070**

*Note: The above statement has been prepared on a modified cash basis of accounting. At the date of publication, the above financial statement had not been audited, however, the accounts and transactions of Ombudsman Ontario are audited annually by the Provincial Auditor.

Focus on Corrections

Ombudsman Ontario has a team which deals with early resolution of correctional issues. Over the course of the year, staff toured and conducted intake clinics at 15 facilities and conducted training and information sessions for correctional officers and college correctional worker program students. Members of the correctional team also attended Regional Directors meetings to exchange information and address areas of concern.

The Ombudsman continued with his commitment to personally visit adult and youth correctional facilities. He toured eight facilities across the province. These visits are of value in identifying issues that need to be addressed. They provide an opportunity for the Ombudsman to speak with inmates personally and to discuss the unique challenges presented in the corrections environment with senior officials, as well as front line correctional staff. At several of the facilities, it became apparent that our posters, which advise inmates who we are and how to contact us, need to be more visible. The Ombudsman spoke to correctional officials regarding this matter to ensure that our information posters are displayed prominently in the inmate living units, including segregation. An internal review of our correctional posters also resulted in a redesign to provide clear and concise information about our process. The pre-addressed confidential complaint letters that are provided for inmate use were also revised.

Ombudsman Ontario and Ministry of Community Safety and Correctional Services' staff continue to meet on a quarterly basis to discuss issues of interest and concern. This forum presents an excellent opportunity for resolving complaints, particularly those involving systemic issues. For example, this year our office received complaints from Muslim inmates from various facilities claiming they were not provided with appropriate diets, prayer mats, holy books or permitted to wear religious headgear. Our enquiries revealed that each facility dealt with these issues differently. One facility had provided extra towels to be used as prayer mats, but correctional officers had confiscated them from Muslim inmates because they exceeded the standard inmate towel allotment and were considered contraband. When our office raised this concern with the facility, a directive allowing Muslim inmates to retain the extra towels was issued. In another facility, blue towels were being provided for prayer mats to avoid officers confiscating them. It was apparent there was substantial inconsistency across the province in the way facilities dealt with issues involving the practice of the Muslim religion. We raised this matter with the Ministry and, as a result, the Ministry amended and improved its existing policy regarding the treatment of Muslim inmates.

Over the past year, our office received complaints from inmates that their letters to the Ministry's Senior Medical Consultant and Senior Nursing Consultant about medical concerns were being submitted unsealed and reviewed by facility staff before they were mailed. The inmates believed these letters should be considered confidential given their subject matter. As a result of discussions with the Ministry, a new procedure was developed to ensure that correspondence between these Consultants and inmates is designated as privileged and delivered unopened.

Another issue we have addressed with the Ministry involves the relationship between our office and private contractors providing correctional services on behalf of the Ministry. We continue to work with the Ministry to ensure that inmates have a right to complain to the Ombudsman about privatized correctional services and that such complaints are resolved expeditiously.

Throughout the year, our Investigations Team monitored the Ministry's progress in meeting its commitments in a variety of areas that were addressed by the Ombudsman in his previous Annual Report. One such issue was the overcrowding of correctional facilities. Last year, the Ombudsman reported on his own motion investigation into the Ministry's routine practice of placing three inmates in cells designed to hold, at most, two people. Triple-bunking means that one inmate must sleep on a mattress on the floor, and the practice was found to be a particular problem in the Greater Toronto Area (GTA). The Ombudsman advised the Ministry that he believed this practice punished inmates in a manner not demanded by their detention and for no reason other than the Ministry's lack of capacity. Over the past year, steps taken by the Ministry include renovations at the Maplehurst Correctional Complex in Milton and the opening of the Central East Correctional Centre in Lindsay and the Vanier Centre for Women in Milton, which have all assisted with relieving overcrowding pressures in the GTA. Consolidation of the women's facility at Milton also freed up space in one unit at the Hamilton-Wentworth Detention Centre (HWDC) for additional male inmate beds. The Ministry has also advised that the Toronto Jail, originally slated for closure, will remain open for the foreseeable future. While necessary repair work at the Toronto East Detention Centre, which commenced in October 2003, temporarily reduced the beds available, the Ministry advised that it planned for reallocation of bed capacity at the Central North Correctional Centre. The anticipated completion date for the work in March 2004 was not met because of problems encountered in one building. Our office will continue to monitor the Ministry's efforts at addressing overcrowding in correctional facilities.

The situation at a detention centre, which had failed to offer daily fresh air (yard) to inmates for prolonged periods in contravention of Ministry policy, was also monitored. The Ombudsman reported on this own motion investigation last year and the fact that the facility was taking steps to rectify the problem. The Ministry has advised that a combination of the measures introduced by the facility to deal with yard, decreased inmate volume and increased staffing have contributed to the facility's ability to provide daily yard to inmates.

Another investigation reported on last year, involved an inmate at a facility who had not received a clean clothing change (including a weekly minimum of seven sets of laundered underwear) in 30 days. Our investigation found some inmates at the facility had gone 45 days without a change of clothing. As a result of our investigation, the facility implemented measures to ensure compliance with the Ministry's policy regarding clothing changes. Our Investigations Team monitored the outcome of the facility's efforts over the course of the year. We determined through review of our statistics and communication with the Ministry that the laundry service at the facility had improved. The Ministry suggested this was owing to a number of factors including an increase in the volume of clothing acquired, a decrease in the inmate volume and the introduction of a computerized system for recording laundry stock.

The Ombudsman also reported last year that a correctional facility had been serving meals at a temperature that contravened the *Health Protection and Promotion Act*. Since that time, the facility has changed its system for food provision.

Our Corrections Team's telephone intake hours were expanded and internal improvements, including the streamlining of telephone intake with an upgraded automatic call distribution technology, have resulted in a more efficient process. Complaints received in writing from inmates are now being assigned to staff within two to three days of receipt and the backlog of complaints involving provincial correctional services was successfully reduced to zero.

Connecting to Ontario's Communities

Community outreach is facilitated across the province by a dedicated team of four Ombudsman Ontario staff in the Community Education Program (CEP). The team developed a strategic approach to increase awareness of Ombudsman Ontario, particularly among economically disadvantaged people, youth and racial minorities. During this fiscal year, the CEP team focused on service providers and key community representatives and groups (connectors). The impact of the CEP strategic approach is demonstrated by an increase in the proportion of complainants who have heard about the Ombudsman from social service agencies over the last year. The proportion of young complainants, individuals under 25 years of age, is also up in the same period. The proportion of people of racial minorities complaining to Ombudsman Ontario is higher than it has been in the past two years.

The CEP team completed 564 outreach activities including workshops, information sessions, and presentations at conferences, booths at special events and networking events. The team also facilitated 11 "How to Complain Effectively" and "Train the Trainers" workshops and presentations at major provincial conferences of service providers. Ombudsman Ontario outreach activities last year were at a seven year high with an approximately 46 per cent increase over outreach activities conducted in the previous year.

The CEP undertook a number of initiatives to ensure information about Ombudsman Ontario is widely distributed. The CEP developed a group e-mail list system to send regular e-mails to over 2,000 human service organizations in the Greater Toronto Area with projected expansion planned for the rest of the province in September 2004. Short articles on the service provided by Ombudsman Ontario were also sent to service providers and support groups among others, for publication online or in organizational newsletters. Information packages were mailed to all Ontario Members of Provincial Parliament (MPPs) as well as federal Member of Parliament constituency offices. The CEP contacted the constituency offices of MPPs to provide their staff with an opportunity to have their questions answered as well as to learn more about how Ombudsman Ontario could assist their constituents.

The CEP launched a series of Community Connections Lunch and Learn sessions to raise Ombudsman Ontario staff awareness of community issues and concerns. Dynamic speakers from diverse community organizations involved with issues such as housing, new immigrants, and the South-East Asian community, shared their insights, concerns and suggestions about how Ombudsman Ontario could assist their consumers.

How to complain effectively

"How to Complain Effectively" is a how-to, hands-on participatory workshop to increase skills and confidence in complaining effectively. The "Train the Trainers" component of the workshop provides the experience, skills and knowledge for participants to facilitate this workshop with groups in their own community. The workshop forms part of the CEP's initiatives to increase awareness of Ombudsman Ontario services among "key connectors" in communities.

The workshop focuses on the barriers that exist to effective complaining and why the right to complain is important. A complaints-continuum is developed with input from the participants and an exercise to identify different complaining styles is facilitated. Three types of complaints are identified and Ombudsman Ontario case studies are examined to identify process and referral sources. Suggestions about how Ombudsman Ontario may be helpful to the participants' clients are explored along with how to make appropriate referrals. Detailed workshop notes and handouts are distributed and there is discussion on tips for facilitation. The workshop is available free of charge across the province.

"SMART" Complaining Checklist

Developed from input through a series of community workshops facilitated in 2003

Specific/Support

- Are you being specific about your complaint?
- Are you dealing with a specific person who can change policy or reverse decisions?
- Do you have support? Have you consulted with friends or colleagues?
- Is there an organization that could offer support?
- Do you have all the facts, documents to support your position?

Measurable

- Is there a way to measure the impact of the problem? Has it cost you?
- Is what you are hoping to achieve measurable?
- What exactly will satisfy your complaint? How much would you be willing to compromise?

Achievable/Anger

- Is your goal achievable? Are you presenting clear, factual evidence?
- Are you channeling your anger positively (to energize and motivate you rather than negatively expressing it)?

Respectful/Reasonable

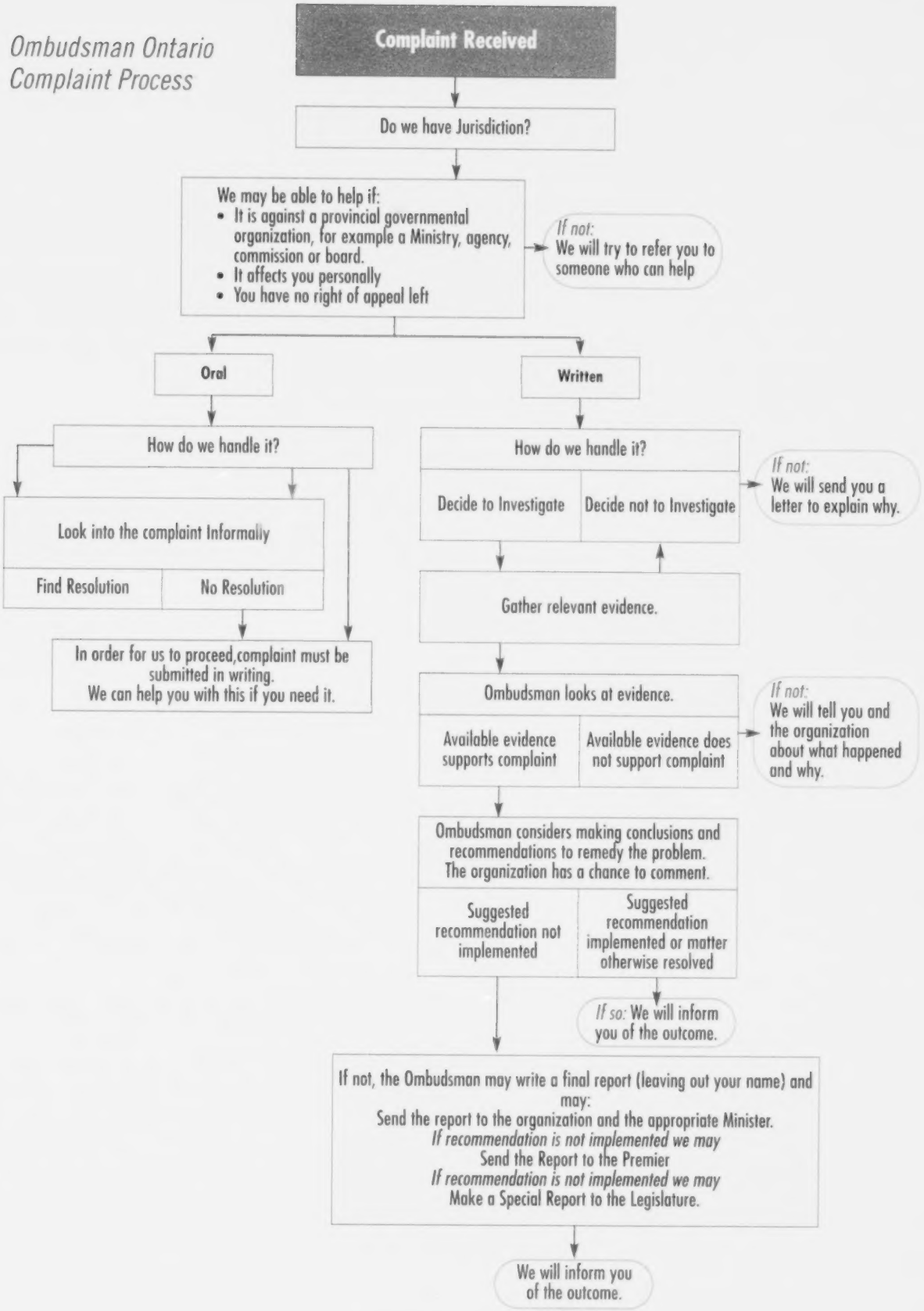
- Are you behaving in a respectful, courteous manner: treating others as you would like to be treated?
- Are your expectations reasonable?

Tracking

- Are you tracking your progress, (keeping a detailed record of calls, letters, and responses)?

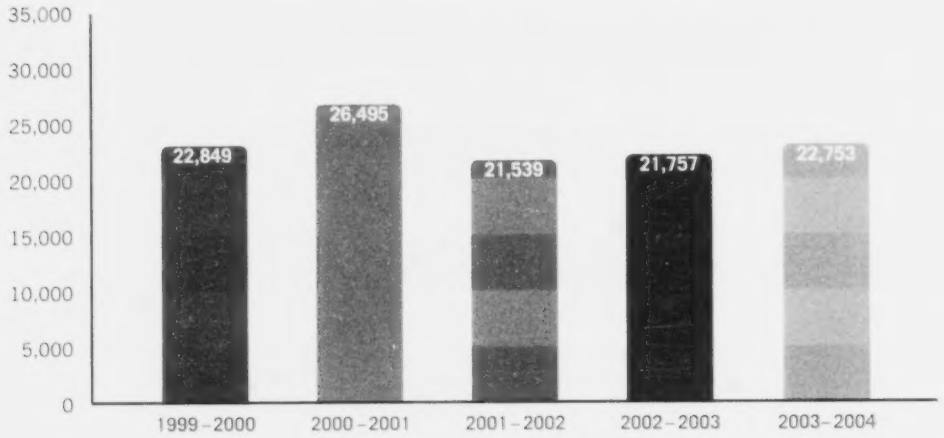
Complaints

Ombudsman Ontario
Complaint Process


Complaint Received
Do we have Jurisdiction?
We may be able to help if:
• It is against a provincial governmental organization, for example a Ministry, agency, commission or board.
• It affects you personally
• You have no right of appeal left
If not:
We will try to refer you to someone who can help
Oral
Written
How do we handle it?
Look into the complaint Informally
Find Resolution
No Resolution
In order for us to proceed, complaint must be submitted in writing.
We can help you with this if you need it.
How do we handle it?
Decide to Investigate
Decide not to Investigate
If not:
We will send you a letter to explain why.
Gather relevant evidence.
Ombudsman looks at evidence.
Available evidence supports complaint
Available evidence does not support complaint
If not:
We will tell you and the organization about what happened and why.
Ombudsman considers making conclusions and recommendations to remedy the problem.
The organization has a chance to comment.
Suggested recommendation not implemented
Suggested recommendation implemented or matter otherwise resolved
If so: We will inform you of the outcome.
If not, the Ombudsman may write a final report (leaving out your name) and may:
Send the report to the organization and the appropriate Minister.
If recommendation is not implemented we may
Send the Report to the Premier
If recommendation is not implemented we may
Make a Special Report to the Legislature.
We will inform you of the outcome.

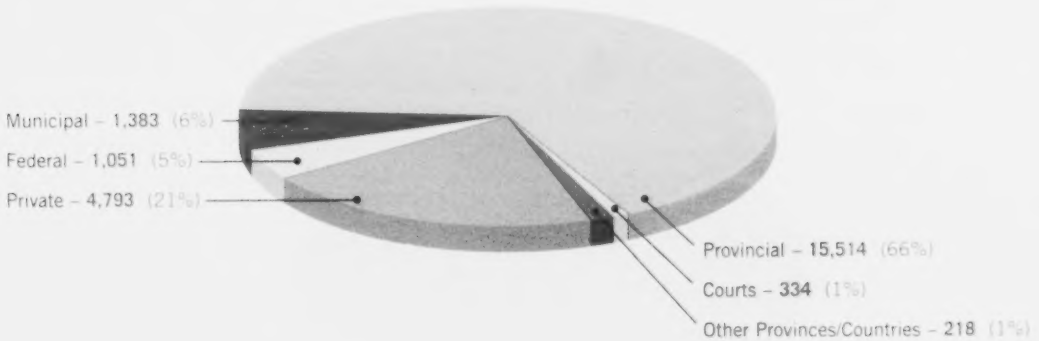
The Story in Numbers

Total Complaints and Enquiries Received: Fiscal Years 1999–2000 to 2003–2004



Ombudsman Ontario received 22,753 complaints and enquiries during 2003-2004, an increase of 996 complaints and enquiries over the previous year. Two-thirds of the complaints and enquiries concerned provincial government organizations, with the remaining complaints and enquiries concerning municipal and federal government issues, other jurisdictions, private organizations and the courts.

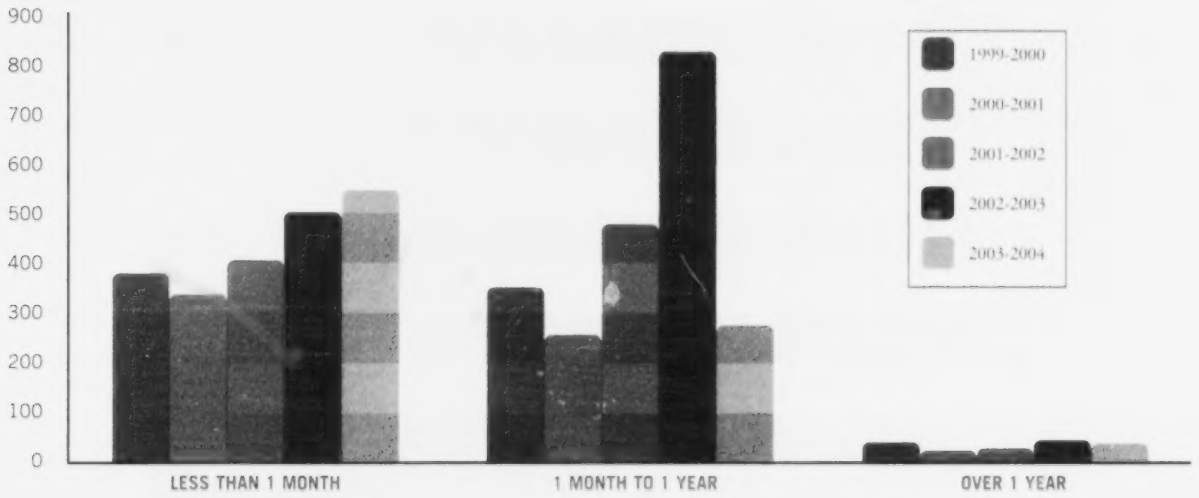
Complaints and Enquiries: Closed During 2003–2004



Seventy-five per cent of complaints and enquiries were received by telephone, 15 per cent were submitted by letter or fax, two per cent were communicated in personal interviews with Ombudsman Ontario staff, and under one per cent were received from a Member of Provincial Parliament or initiated by the Ombudsman as an own motion investigation.

Complaints and enquiries submitted via the Internet increased to seven per cent; the fourth consecutive year we have shown an increase in this area. This growing trend reflects the broader social trend towards electronic communication. To facilitate increased public access to our website, our promotional material is published with our website address and linkages from other strategic websites are encouraged. Our website has averaged 362 visits per day this year. Because of confidentiality concerns Ombudsman Ontario responds to electronic communications by mail or telephone.

Age Distribution of Open Complaints and Enquiries at Year End
Fiscal Years 1999-2000 to 2003-2004



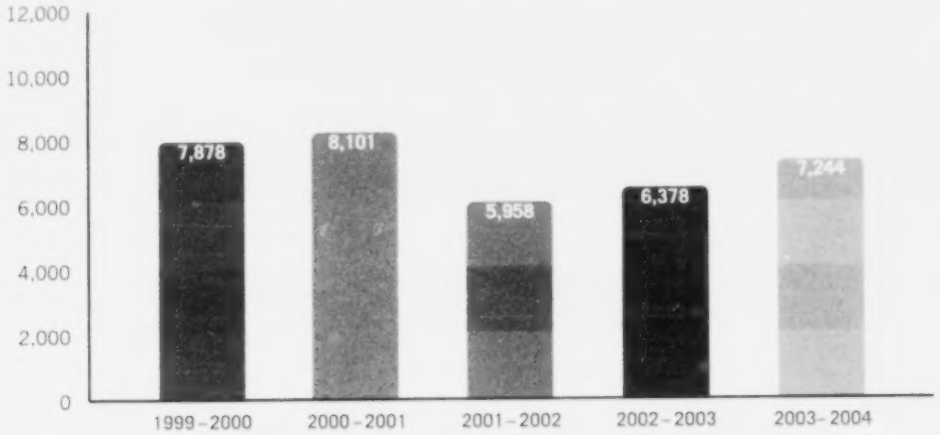
At the End of the Year

Our staff worked very hard to clear the complaints remaining at the end of the 2002-2003 fiscal year that resulted from the provincial government labour dispute in the Spring of 2002. As a result, only 821 complaints and enquiries remained open at the end of the 2003-2004 fiscal year compared to 1,361 at the end of the previous year.

General Provincial Government Complaint and Enquiry Trends

As the graph that follows illustrates, complaints and enquiries about general provincial governmental organizations increased by more than 13 per cent in 2003-2004. The Registrar General Branch reflected a significant increase to almost 500 complaints and enquiries compared to last year's figure of 116, primarily concerning delays in the issuance of certificates.

General Provincial Government Complaints and Enquiries Received: Fiscal Years 1999–2000 to 2003–2004*



**Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government agencies and organizations, excluding Ministry of Community Safety and Correctional Services' correctional facilities, Ministry of Children and Youth Services' Young Person facilities, Ontario Parole and Earned Release Board and Probation and Parole Services.*

The top three provincial programs registering the greatest number of complaints and enquiries remained unchanged from 2002-2003; they are the Family Responsibility Office (1,467), the Workplace Safety and Insurance Board (780), and the Ontario Disability Support Program (648). Together, these three accounted for almost 40 per cent of the general provincial government complaints and enquiries received by Ombudsman Ontario this fiscal year.

Top 10 General Provincial Government Organizations Complaints and Enquiries Received: Fiscal Year 2003–2004

Rank Last Year	Organization/Program	Complaints/Enquiries	Percentage of Total
1	Family Responsibility Office	1,467	20.3
2	Workplace Safety and Insurance Board	780	10.8
3	Ontario Disability Support Program	648	8.9
15	Registrar General Branch	492	6.8
5	Ontario Student Assistance Program	299	4.1
4	Workplace Safety and Insurance Appeals Tribunal	244	3.4
7	Ministry of Transportation - Driver Licensing	201	2.8
10	Hydro One Networks Inc.	185	2.6
9	Legal Aid Ontario	183	2.5
6	Ontario Human Rights Commission	167	2.3

Adult Correctional and Young Person Facilities

Complaints and enquiries about provincial government adult correctional and Young Person facilities increased by over six per cent from 7,271 in 2002-2003 to 7,727 in 2003-2004. This increase may relate, in part, to operational changes implemented by Ombudsman Ontario this year that have permitted an increase in our telephone hours in which complaints and enquiries are received from inmates in the correctional facilities. Ombudsman Ontario streamlined the processing of some complaints and enquiries. Similar complaints and enquiries were grouped together resulting in a reduction in the total number of enquiries made by staff to the facilities. As well, Ombudsman Ontario discussed long-term solutions with the Ministry of Community Safety and Correctional Services to reduce similar complaints and enquiries in the future.

In Order of Frequency, the Most Common Types of Jurisdictional Complaints Investigated by Ombudsman Ontario This Year Were:

Types of Complaints	
1	Failure to adequately or appropriately communicate with a complainant
2	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence
3	Inadequate or improper investigation conducted
4	Adverse impact or discriminatory consequence of a decision or policy on an individual or group
5	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner
6	Denial of service
7	Failure to keep a proper record
8	Unreasonable delay
9	Insufficient reasons for a decision or no reasons given
10	Harassment by a governmental official; bias; mismanagement; bad faith
11	Failure to provide sufficient or proper notice
12	Unfair settlement imposed; coercion
13	Omission to monitor or manage an agency for which the governmental organization is responsible

Delivering Results

Active March 31, 2003	Received 2003-2004	Closed 2003-2004	Active March 31, 2004
1,361	22,753	23,293	821

While 22,753 complaints and enquiries were received during 2003-2004, 23,293 complaints and enquiries were actually closed by the end of the fiscal year. Not all complaints and enquiries are closed in the year they are received. As the chart above demonstrates, each fiscal year begins and ends with an active case load that accounts for the difference in the received and closed numbers.

Of the complaints and enquiries closed, over 66 per cent concerned provincial government organizations. Complainants received a resolution or a referral in over 86 per cent of cases. Seven per cent were withdrawn or abandoned by the complainant. As well, 10 own motion investigations were completed this year, eight of which led to changes in government policies or procedures.

In a Timely Fashion

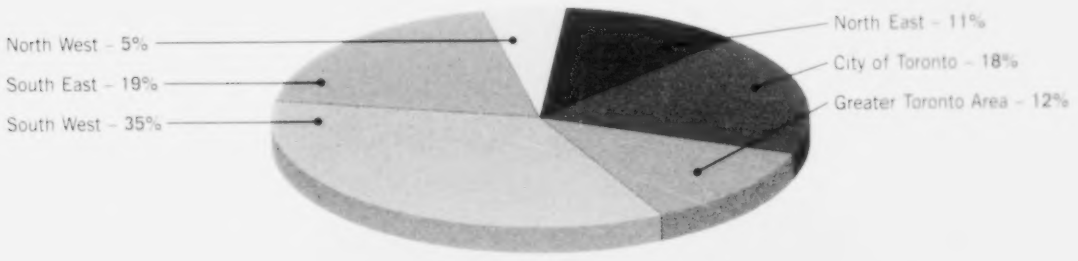
In keeping with our early resolution standards, 75 per cent of complaints and enquiries were resolved informally within 28 days of receipt. Fifty per cent were actually closed within six days. More complex complaints requiring a formal investigation were resolved in an average of 11 months, representing an improvement of two months over last year. The implementation of Ombudsman Ontario's standard protocols for communicating with some provincial governmental organizations prior to initiating an investigation may have contributed to this improvement.

Complainant Profile

A total of 17,683 individuals contacted our office this year with 22,753 complaints and enquiries. Individuals generally have one issue of concern when they contact Ombudsman Ontario, however, in cases in which more than one issue is raised, each concern is recorded in our electronic information system and pursued to a resolution.

The chart below indicates the provincial regions in which complainants (excluding those in adult correctional and Young

Geographic Distribution of Complainants Excluding Correctional Complainants



Person facilities) resided when they contacted our office with a complaint or enquiry. The provincial region is extracted from postal code information that is requested of all individuals contacting Ombudsman Ontario. The chart demonstrates that the majority of our complaints and enquiries are received from individuals living in southwest Ontario, an area stretching from Windsor to Hamilton, Barrie and Wasaga Beach. This percentage is unchanged compared to the previous year.

The City of Toronto saw an increase of individuals contacting our office from 14 per cent in 2002-2003 to 18 per cent in 2003-2004. This increase is largely attributable to the Community Education Program and the media campaign targeting the City of Toronto and the Greater Toronto Area throughout the year.

In addition to determining the geographic location of our complainants from the postal code, individuals contacting our office are asked to complete a survey to determine their demographic profile. Completion of the survey is voluntary and anonymous. Information is collected about gender, age, race, parental status, disability and household income. The survey results help us identify groups that are under-represented as complainants to our office, given their proportion of the population. The survey results also identify the type of complaints and enquiries brought forward by various groups and provide us with the opportunity to track emerging issues of concern for the Ontario public. This year, 73 per cent of complainants who contacted our office completed the survey.

Demographic Profile by Race

Racial Group	Percentage of Individuals Surveyed
White/European	84
Racial Minority*	10
Aboriginal/First Nation	2
No answer	4

** Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.*

Demographic Profile — Selected Groups

Group	Percentage of Individuals Surveyed
People with disabilities	28
Sole-support parents	14
Youth — under age 25	4
Seniors — age 65 and over	8

The 2003-2004 fiscal year saw some minor shifts in the survey results compared to last year. For example, the percentage of respondents identified as youth (under 25 years of age), rose from three to four per cent. More significantly, the percentage of respondents identifying themselves as disabled fell from 33 to 28 per cent.

Statistical Charts

*Complaints and Enquiries Received 2003-2004 by Provincial Riding (excluding complaints and enquiries about adult correctional and Young Person facilities)**

Riding	Total
Algoma — Manitoulin	286
Ancaster — Dundas — Flamborough — Aldershot	86
Barrie — Simcoe — Bradford	168
Beaches — East York	131
Bramalea — Gore — Malton — Springdale	89
Brampton Centre	91
Brampton West — Mississauga	84
Brant	144
Bruce — Grey — Owen Sound	140
Burlington	98
Cambridge	126
Chatham — Kent — Essex	156
Davenport	94
Don Valley East	88
Don Valley West	87
Dufferin — Peel — Wellington — Grey	87
Durham	99
Eglinton — Lawrence	101
Elgin — Middlesex — London	174
Erie — Lincoln	97
Essex	114
Etobicoke Centre	73
Etobicoke — Lakeshore	86
Etobicoke North	113
Glengarry — Prescott — Russell	96
Guelph — Wellington	120
Haldimand — Norfolk — Brant	107
Haliburton — Victoria — Brock	141
Halton	115
Hamilton East	137
Hamilton General Area	16
Hamilton Mountain	132
Hamilton West	139
Hastings — Frontenac — Lennox and Addington	129
Huron — Bruce	123
Kenora — Rainy River	211
Kingston and the Islands	155
Kitchener Centre	138
Kitchener — Waterloo	127
Lambton — Kent — Middlesex	122
Lanark — Carleton	109
Leeds — Grenville	134
London — Fanshawe	199
London General Area	38
London North Centre	245
London West	169
Markham	58
Mississauga Centre	75
Mississauga East	78
Mississauga General Area	20
Mississauga South	139
Mississauga West	0
Nepean — Carleton	66
Niagara Centre	130
Niagara Falls	106
Nickel Belt	125
Nipissing	197
Northumberland	95
Oak Ridges	86
Oakville	69
Oshawa	136
Ottawa Centre	94
Ottawa General Area	36
Ottawa — Orléans	60
Ottawa South	72
Ottawa — Vanier	56
Ottawa West — Nepean	98
Out Of Province/International	349
Oxford	117
Parkdale — High Park	146
Parry Sound — Muskoka	176
Perth — Middlesex	88
Peterborough	106
Pickering — Ajax — Uxbridge	97
Prince Edward — Hastings	123
Renfrew — Nipissing — Pembroke	142
Sarnia — Lambton	158
Sault Ste. Marie	534
Scarborough — Agincourt	46
Scarborough Centre	98
Scarborough East	91
Scarborough — Rouge River	57
Scarborough Southwest	120
Simcoe — Grey	150
Simcoe North	196
St. Catharines	110
St. Paul's	122
Stoney Creek	84
Stormont — Dundas — Charlottenburgh	129
Sudbury	205
Thornhill	72
Thunder Bay — Atikokan	146
Thunder Bay General Area	29
Thunder Bay — Superior North	170
Timiskaming — Cochrane	184
Timmins — James Bay	116
Toronto Centre — Rosedale	251
Toronto — Danforth	149
Toronto General Area	87
Trinity — Spadina	145
Vaughan — King — Aurora	99
Waterloo — Wellington	71
Whitby — Ajax	108
Willowdale	91
Windsor General Area	21
Windsor — St. Clair	177
Windsor West	167
York Centre	92
York North	121
York South — Weston	112
York West	58

* *Where postal code information is available.*

*Complaints and Enquiries Received 2003-2004 About Adult Correctional and Young Person Facilities**

BY SUBJECT MATTER	
HEALTH - ADEQUACY OF CARE	759
HEALTH - Medication (Other)	520
STAFF CONDUCT	439
PERSONAL/INMATE PROPERTY	414
LIVING CONDITIONS - FOOD/DIET	400
HEALTH - DELAY	388
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	360
LIVING CONDITIONS	343
LIVING CONDITIONS - CLEANLINESS, HYGIENE, SANITATION	268
CORRESPONDENCE	261
RESPONSES TO INMATE REQUESTS	255
TELEPHONE ACCESS/USE	200
LIVING CONDITIONS - CLOTHING SIZE, CONDITION ETC.	199
YARD	199
LIVING CONDITIONS - LOCKUP	181
INMATE TRUST ACCOUNT	169
HEALTH - MEDICAL DIET	158
ADMINISTRATION - UNFAIRNESS	148
VISITING PRIVILEGES	147
HEALTH - CONTINUITY OF CARE (ADMISSIONS)	145
ADMINISTRATION - OTHER	144
CANTEEN	137
LIVING CONDITIONS - PERSONAL HYGIENE	134
DENTAL	132
LIVING CONDITIONS - BEDDING/MATTRESSES/TOWELS	131
LIVING CONDITIONS - SEGREGATION	128

BY SUBJECT MATTER	
LIVING CONDITIONS - CELL TIME	125
LIVING CONDITIONS - HEATING, VENTILATION, AIR	119
INMATE MISCONDUCT ISSUANCE ADJUDICATION	117
SECURITY - LOCKDOWN	114
ADMINISTRATION - DELAY	108
HEALTH - OTHER	107
ADMINISTRATIVE SEGREGATION	101
RELIGIOUS OR LIFE STYLE DIET	98
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAM	92
ALLEGATIONS OF EXCESSIVE FORCE - STAFF MISCONDUCT	91
HEALTH - DENTAL - EMERGENCY	90
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	87
HEALTH - CONTINUITY OF CARE (TRANSFER)	84
COMMITTAL/SENTENCE CALCULATION	81
HEALTH - METHADONE PROGRAM	77
INMATE-INMATE DISPUTES/ASSAULTS	77
RELIGIOUS/SPIRITUAL OBSERVANCE	73
CLASSIFICATION - OTHER	66
HEALTH - GLASSES, EYE CARE	60
OMBUDSMAN ACCESS (LETTER OR PHONE)	60
LIVING CONDITIONS - OVERCROWDING	58
LOST EARNED REMISSION	53
POLICY/PRACTICE	49
HEALTH - PRESCRIPTION REQUEST	45
TEMPORARY ABSENCE PASSES	42
HEALTH - DIAGNOSIS	42

** As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.*

*Complaints and Enquiries Received 2003-2004 About Adult Correctional and Young Person Facilities**

BY SUBJECT MATTER	
REQUEST FOR PROCEDURAL INFORMATION	39
HEALTH - STAFF CONDUCT	38
INTERMITTENT SENTENCE	38
NEWSPAPER SUBSCRIPTIONS/DELIVERY	37
HEALTH - SPECIALIST APPOINTMENTS	36
SPECIAL NEEDS/TREATMENT UNIT	36
PROTECTIVE CUSTODY	36
INSTITUTIONAL DISCIPLINE- OTHER THAN INMATE MISCONDUCT	34
ADMINISTRATION - NO RESPONSE TO CORRESPONDENCE	32
ADMINISTRATION - BIAS	31
HEALTH - MEDICAL APPLIANCES/DEVICES REQUESTS	29
LIVING CONDITIONS - IMMIGRATION HOLD	25
SEARCHES	25
CONFINEMENT SEGREGATION	21
HEALTH - DENTAL - DENTAL APPLIANCES/DENTURES	18
HEALTH - HOSPITAL VISITS/ADMISSION	18
LIVING CONDITIONS - SMOKING	18
HEALTH - HIV/AIDS	18
RACE RELATED COMPLAINTS	16
CHARTER OF RIGHTS/HUMAN RIGHTS	13
HEALTH - SECOND MEDICAL OPINION REQUESTS	13
HEALTH - MEDICAL SEGREGATION	12
TRANSFER-FEDERAL INSTITUTION	12
HEALTH - HEPATITIS	12
INMATE TRANSPORTATION UPON RELEASE	12
ADMINISTRATION - INADEQUATE OR NO COMMUNICATION RECEIVED	12

BY SUBJECT MATTER	
PRE-RELEASE	11
ADMINISTRATION - PROGRAM INFORMATION INADEQUATE	10
ADMINISTRATION - UNABLE TO OBTAIN FILE STATUS UPDATE	9
INMATE INSTITUTION GUIDE	9
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	9
LOST EARNED REMISSION PUNITIVE SEGREGATION	7
HEALTH - MEDICAL CONFIDENTIALITY/PRIVACY	7
ELECTRONIC MONITORING	6
BAILIFFS	6
MEALS AT COURT	6
HEALTH - PRE-NATAL CARE	5
ADMINISTRATION - EXCESSIVE BUREAUCRACY	4
HEALTH - SEGREGATION	4
FRENCH LANGUAGE SERVICES	4
HEALTH - SUICIDE WATCH	4
MENTAL HEALTH CARE	2
HEALTH - HUNGER STRIKE - FOOD WATCH	2
HEALTH - GYNECOLOGICAL/OBSTETRICAL	1

** As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.*

Outcome of Complaints and Enquiries: Closed During 2003-2004

	Non-Provincial	Provincial
Discontinued by Complainant		1,486
Discontinued by Ombudsman		90
Resolved in Favour of Complainant		1,903
Resolved in Favour of Government		626
Resolved Independently		651
Inquiry Made/Referral Given/Resolution Facilitated	7,727	10,547
No Action Possible	52	211
Totals of all outcomes	**7779**	**15,514**

Glossary of Outcomes

- **Discontinued by complainant**: The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman**: The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject-matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Resolved by Ombudsman in favour of complainant**: The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government**: The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently**: Our enquiries reveal that the complaint has been resolved either prior to, or independent of, our intervention.
- **Enquiry made/referral given/resolution facilitated**: Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible**: No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations by Final Resolution*

(When a complaint or enquiry is made about a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MINISTRY OF AGRICULTURE AND FOOD									
OTHER	1	1			1	1	6		10
AGRICORP							4		4
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL			1		1		4	1	7
FARMLANDS PROPERTY CLASS TAX PROGRAM	1						2		3
MINISTRY OF THE ATTORNEY GENERAL									
OTHER	1	3		1	2	4	33	1	45
ASSESSMENT REVIEW BOARD				1			19		20
CHILDREN'S LAWYER		1				1	13	1	16
CRIMINAL INJURIES COMPENSATION BOARD	1				1		31	1	34
CROWN ATTORNEYS							13		13
LEGAL AID ONTARIO	1	8		2	6	4	155	4	180
ONTARIO HUMAN RIGHTS COMMISSION	11	39		2	4	10	116	6	188
ONTARIO MUNICIPAL BOARD					1		17		18
PUBLIC GUARDIAN AND TRUSTEE	7	3			5		86	3	104
MINISTRY OF CHILDREN AND YOUTH SERVICES									
OTHER							1		1
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY							5		5
SPECIAL NEEDS PROGRAMS - CHILDREN					1	3	18	1	23
YOUNG PERSON FACILITIES	7	4		2	26		30	1	70
MINISTRY OF CITIZENSHIP AND IMMIGRATION									
OTHER						1	6		7
MINISTRY OF COMMUNITY AND SOCIAL SERVICES									
OTHER	2	1		2	1	1	46		53
ADOPTION DISCLOSURE REGISTER		2			1		22		25
DISABILITY ADJUDICATION UNIT	4			2			73		79
FAMILY RESPONSIBILITY OFFICE	243	35	1	32	41	3	1106	15	1476
ONTARIO DISABILITY SUPPORT PROGRAM	39	13		16	15	3	559	7	652
REGIONAL CENTRES - SOUTHWESTERN	1						1		2
SOCIAL BENEFITS TRIBUNAL	5	11		4	4	2	89	2	117
SPECIAL NEEDS PROGRAMS - ADULT									
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES									
OTHER	9	5		2	5		42	1	64
CORRECTIONAL CENTRES	574	154		200	550	25	1924	30	3457
CORRECTIONAL COMPLEXES	198	29		57	171	4	671	18	1148
DETENTION CENTRES	324	62		115	262	2	1198	34	1997
JAILS	143	50		111	243	1	749	32	1329
OFFICE OF THE CHIEF CORONER	1	1					5		7
OFFICE OF THE FIRE MARSHAL		1					4		5
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		1					12		13
ONTARIO PAROLE AND EARNED RELEASE BOARD	2				2		11		15
ONTARIO PROVINCIAL POLICE			1		1		26		28
PROBATION AND PAROLE SERVICES	3	2		1	4		20		30
TREATMENT AND CORRECTIONAL CENTRES	17	6		7	20		44		94
MINISTRY OF CONSUMER AND BUSINESS SERVICES									
OTHER	3	2	1		1		40		47
ALCOHOL AND GAMING COMMISSION OF ONTARIO	1	1		1		2	20		25
LAND REGISTRY/TITLES							3		3
LICENCE APPEAL TRIBUNAL		1					2		3
REGISTRAR GENERAL BRANCH	107	1		25	7	1	291	3	435

** While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.*

Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations* by Final Resolution

(When a complaint or enquiry is made about a ministry in general, it is identified as 'other'.) – Continued

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MINISTRY OF CULTURE									
OTHER					1				1
ONTARIO ARTS COUNCIL								1	1
ONTARIO HERITAGE FOUNDATION							1		1
ONTARIO TRILLIUM FOUNDATION					1		4		5
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE									
OTHER				1			1		2
LIQUOR CONTROL BOARD OF ONTARIO					1		12		13
ONTARIO LOTTERY AND GAMING CORPORATION	1	2		1	1		19		24
MINISTRY OF EDUCATION									
OTHER	9	2			5		45	1	62
MINISTRY OF ENERGY									
OTHER	1	1					8		10
HYDRO ONE NETWORKS INC.	26	3		9	5		143	1	187
ONTARIO ENERGY BOARD		4		1			10	1	16
MINISTRY OF THE ENVIRONMENT									
OTHER	1	4			4		38	2	49
DRIVE CLEAN PROGRAM							9		9
ENVIRONMENTAL REVIEW TRIBUNAL	1								1
MINISTRY OF FINANCE									
OTHER	8	4			1		31		44
FINANCIAL SERVICES COMMISSION		2		2		1	36		41
FINANCIAL SERVICES TRIBUNAL							1		1
MOTOR VEHICLE ACCIDENT CLAIMS FUND							2		2
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	6	2		1		2	49		60
PROVINCIAL TAX PROGRAMS (NON PST)	1	1		2			20		24
RETAIL SALES TAX (PST)		2	1				20		23
MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS									
OFFICE OF FRANCOPHONE AFFAIRS							1		1
MINISTRY OF HEALTH AND LONG TERM CARE									
OTHER	4	1		1	1	2	62	1	72
ASSISTIVE DEVICES/HOME OXYGEN PROGRAMS	1	1			1		46	1	50
COMMUNITY CARE ACCESS CENTRE	1	1		2	2		40		46
CONSENT AND CAPACITY BOARD	1	1		1			5		8
DRUG PROGRAMS BRANCH - ONTARIO DRUG BENEFIT PROGRAM		1					10		11
DRUG PROGRAMS BRANCH - SECTION 8 REQUESTS							12		12
DRUG PROGRAMS BRANCH - TRILLIUM DRUG PROGRAM	6	1		2	2		44		55
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	13			2	2	31	1	50
HEALTH SERVICES APPEAL AND REVIEW BOARD						1	2		3
LONG TERM CARE BRANCH							4		4
NORTHERN HEALTH TRAVEL GRANT	1	4			2		26		33
ONTARIO HEALTH INSURANCE PLAN	8	2		6	3	1	112		132
ONTARIO HEPATITIS C ASSISTANCE PLAN							9		9
PSYCHIATRIC HOSPITALS/MENTAL HEALTH CENTRES	9			1	2		30	2	44
PSYCHIATRIC PATIENT ADVOCATE OFFICE							1		1
MINISTRY OF LABOUR									
OTHER	1	3			2		10		16
EMPLOYMENT PRACTICES BRANCH		1		3	1	1	53	1	60
GRIEVANCE SETTLEMENT BOARD							1		1
OCCUPATIONAL HEALTH AND SAFETY		1			2	1	7		11

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Complaints and Enquiries Closed 2003-2004 About Provincial Government Organizations* by Final Resolution

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ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
OFFICE OF THE WORKER ADVISER	3	1	1				34		39
ONTARIO LABOUR RELATIONS BOARD	3	14		1	1	1	48	1	69
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	10	33		2	10	5	176	8	244
WORKPLACE SAFETY AND INSURANCE BOARD	33	8		9	16		709	10	785
MANAGEMENT BOARD OF CABINET									
MANAGEMENT BOARD SECRETARIAT	1						13	1	15
ONTARIO PENSION BOARD	1						9		10
ONTARIO REALTY CORPORATION		2					6	1	9
ONTARIO SECURITIES COMMISSION		1					10		11
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
OTHER	1	1		1			15		18
LINE FENCES REFEREE		1					1		2
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD							3		3
ONTARIO RENTAL HOUSING TRIBUNAL	5	17	1	1	9		105	3	141
MINISTER RESPONSIBLE FOR NATIVE AFFAIRS									
ONTARIO NATIVE AFFAIRS SECRETARIAT					1				1
MINISTRY OF NATURAL RESOURCES									
OTHER	2	4			3		51	2	62
CROWN LAND	3	2			2		26		33
LICENCES/TAGS		2			1		12		15
NIAGARA ESCARPMENT COMMISSION							2		2
ONTARIO PARKS	1	1					1		3
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
OTHER	1						6		7
ONTARIO NORTHLAND TRANSPORTATION COMMISSION							1		1
MINISTER RESPONSIBLE FOR SENIORS									
ONTARIO SENIORS' SECRETARIAT							2		2
MINISTRY OF TOURISM AND RECREATION									
OTHER	1				1		2		4
ST. LAWRENCE PARKS COMMISSION							1		1
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
OTHER	1				1		20	1	23
APPRENTICESHIPS/WORK TRAINING	1				2		8		11
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	1	2			1	1	52	1	58
ONTARIO STUDENT ASSISTANCE PROGRAM	12	15	1	8	7	3	252	5	303
MINISTRY OF TRANSPORTATION									
OTHER	3	5	1	1	3		42	1	56
DRIVER EXAMINATION CENTRES **	1	2			1		23		27
DRIVER LICENSING	9	6		5	9		168	2	199
GO TRANSIT					1		3		4
HIGHWAYS	3						23	1	27
MEDICAL REVIEW	8	5		3	1		128		145
ONTARIO HIGHWAY TRANSPORT BOARD		1					1		2
VEHICLE LICENSING	3			2	1		27		33
ONTARIO GOVERNMENT									
OTHER				1			45	1	47
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO							18		18
OFFICE OF THE CHIEF ELECTION OFFICER							10		10
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER							14		14

** While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the Ministry responsible for the agency or program at the end of the year.*

*** As of September 2, 2003, Ontario Driver Examination Centres are administered as DriveTest Centres by a private operator under licence with the Ministry.*

Case Stories

Ministry of the Attorney General

Ontario Human Rights Commission (the Commission)

Mr. B complained the Commission failed to comply with his lawyer's request that it forward its reconsideration decision to Mr. B directly. He explained he did not receive the Commission's decision dated July 2000, until he contacted the Commission directly in August 2002. When an Investigator discussed this case with the Commission, it acknowledged its records should have been changed to reflect the lawyer's request. The Commission provided Mr. B with a written letter of apology for the oversight.

It came to the Ombudsman's attention that the Commission's intake and inquiry staff were writing letters to complainants suggesting that a decision to dismiss their case had already been made when this decision could only be made by the Commissioners. This appeared to be inconsistent with the Commission's stated practice as set out in its enforcement and procedures manual. The Ombudsman wrote to the Commission asking it to consider this matter. The Commission responded that in the interest of appropriate customer service, avoiding future incidents, and clarity for the parties, it would ensure that the standard correspondence was amended.

Mr. C complained to our office that the Commission had failed to act after receiving his submission concerning his complaints of discrimination. We notified the Commission of our intention to investigate Mr. C's concerns and the Commission replied it would ask the respondent to respond to allegations raised by Mr. C that had not already been considered by the Commission in previous cases. The Ombudsman was satisfied with this response and closed Mr. C's file.

Ministry of Community and Social Services

Family Responsibility Office (FRO)

Mr. A complained to Ombudsman Ontario because he was unable to use a cash back service to do his income tax because federal records showed there was a garnishment order against him. He told us that his arrears had been rescinded by court order and he had been unable to reach the FRO to find out why it had not cancelled support enforcement. An Ombudsman Representative discussed the case with the FRO, which confirmed its file was closed with a zero arrears balance. As a result of our intervention, the FRO immediately terminated the garnishment order.

Mr. B complained to the Ombudsman that, although his support obligation had been terminated by court order in 1999, the FRO had incorrectly sent his case to a credit bureau for enforcement. After we brought this matter to the FRO's attention, it verified that the support had been terminated and ensured that the credit bureau closed Mr. B's file.

Mr. C explained to our office that the FRO had continued to collect support from him, although he had been in receipt of social assistance since 1999. As a result of our enquiries, the FRO removed all enforcement measures, reinstated Mr. C's driver's licence and closed his file.

Mr. D contacted our office and stated the FRO had, for the second time, mistakenly identified him as a support payor. He said the FRO had written to him, saying it would be reporting him to the credit bureau, and he had been unable to get through by telephone to the FRO to correct the situation. Mr. D added that the same thing had happened two years previously. As a result of Ombudsman Ontario's involvement, the FRO admitted its error, sent Mr. D a letter of apology, and deleted his personal information from its records.

Mr. E complained to Ombudsman Ontario that when he went to purchase an appliance he was told he had a bad credit rating and subsequently discovered the credit rating related to alleged support arrears. Mr. E stated his employer had deducted support payments from his salary and remitted them to the FRO. Mr. E, his employer and staff from the office of Mr. E's Member of Provincial Parliament had contacted the FRO without success. However, after Mr. E contacted our office he was told which documents the FRO required as proof that he had made all of his payments. As a result of our involvement, the FRO undertook a financial analysis of the case. The FRO explained that it had had difficulty reconciling the funds earlier because Mr. E's employer had not provided copies of the front and back of his cancelled cheques. The FRO consequently adjusted Mr. E's account, when it found six payments had been received but deposited into someone else's account.

Dear Ombudsman

Thank you so much for your care and courtesy during our recent telephone conversation. You are a pleasure to talk to.

The Ombudsman undertook an investigation of the matter and found that a seventh payment had been misapplied and an eighth returned to Mr. E's employer because it was stale-dated. The FRO could not explain how these accounting problems occurred but suggested that it was human error, which has been addressed through training. The Ombudsman noted that the case could have been reconciled earlier if copies of the front and back of the cancelled cheques had been provided. He suggested that the FRO provide a letter to payors when they enquire about missed payments explaining that this information is necessary to reconcile an account. The FRO agreed with the Ombudsman's suggestion and undertook to include this information in the covering letter for statements of account sent in response to client enquiries regarding missing or lost payments. The FRO also indicated it would remind staff about the requirement that they advise clients making an enquiry about missing or lost payments that proof of payment is required in this form.

Mr. F, complained that the FRO had suspended his driver's licence for support arrears. Mr. F stated he required his driver's licence to make a living and meet his support obligations. He explained that he had been making direct payments to the support recipient who was willing to confirm this in writing. An Ombudsman Representative contacted the FRO, which entered into a payment arrangement with Mr. F and arranged for his licence to be reinstated.

Ms N contacted our office to complain about the FRO. The support payor told Ms N that he had paid approximately $33,000 to the FRO. However, she had received only one payment of $45. An Ombudsman Representative contacted the FRO, which confirmed Ms N's case had been closed in 1997. We suggested that Ms N write to the Executive Director of the FRO and forward relevant documents. Our office maintained contact with the FRO to determine the status of its review of Ms N's case. When it reviewed its records, the FRO noted that Ms N's support had been directed to the Ministry of Community, Family and Children's Services as she had received funding from the Ministry but that $2,359.53 had been sent to the Ministry in error. The FRO apologized to Ms N, explained that it could no longer enforce her court order because spousal support had terminated and the support order was unclear regarding the terms of payment for child support, and paid her the money that had been misdirected.

Mr. O complained to the Ombudsman because he had been informed by the FRO that he owed arrears in child support. He believed this was incorrect and the FRO had failed to credit all the payments he had made. An Ombudsman Representative contacted the FRO and learned that some of Mr. O's payments had been made through the Alberta Maintenance Enforcement Program, as the support recipient

lived in Alberta. The FRO agreed to obtain a full accounting of the Alberta payments. Once this was received, the FRO reviewed its payment records and recalculated Mr. O's account. It found an additional $1,300 had been paid by Mr. O but not credited. The FRO determined that Mr. O had made all required payments and had no arrears. It revised its records accordingly.

Mr. P is self-employed in a car repair business. He contacted our office complaining that, although he had paid his support arrears, the FRO was suspending his driver's licence. Mr. P stated he was unable to get through to a live operator at the FRO and the automated line listed numerous enforcement steps that had been taken against him including suspension of his driver's licence. Mr. P required his driver's licence to work. An Ombudsman Representative made an urgent enquiry to the FRO. As a result, the FRO immediately reviewed its records and realized it had failed to terminate the driver's licence suspension when Mr. P's arrears were paid. Recognizing its error, the FRO waived its $400 administrative fee for issuing the suspension, removed the writ against Mr. P's property, deleted a credit bureau record, removed a federal garnishment and contacted the Ministry of Transportation the same day by telephone and fax to ensure that Mr. P's driver's licence was reinstated without the $100 fee usually charged by the Ministry. The FRO also contacted Mr. P directly to apologize for its error. Mr. P's complaint was resolved within a day of contacting our office.

Ms Q contacted our office because the FRO claimed she owed arrears even though she had made a payment via electronic bank transfer. She contacted the credit bureau and found the FRO's case number was wrong. Ms Q tried unsuccessfully over a three week period to reach the FRO by phone. As a result of an Ombudsman Representative's enquiry, the FRO realized it had mistakenly registered Ms Q's case twice linking the case to her Social Insurance Number (SIN) and not realizing that Ms Q had remarried and changed her name. The FRO immediately directed the credit bureau to delete the second case and also reminded its intake staff to cross reference SIN numbers and names to avoid duplication.

Ms R, a support recipient, had not received any payments from the FRO. She called our office because she had learned that an income source had sent money to FRO but the FRO had no record of this. After our office became involved, the FRO contacted the income source, which confirmed it had made three payments. The FRO did a search and discovered the cheques had come in without a case number or name and had not been posted to Ms R's case. The missing payments were found and paid to Ms R.

Ms S contacted our office in late August stating she was owed $8,000 in arrears and had not yet received a filing package from the FRO. When our office contacted the FRO, it stated it had not received the court order. However, it committed to promptly register the order if it were submitted. In September, Ms S faxed a copy of the order to the FRO together with a completed filing package, which she had obtained from her local court house. However, Ms S contacted our office again in November when she still had not received any word from the FRO. An Ombudsman Representative made an enquiry to the FRO and was told that the order was still in its intake department. As a result of our further contact, the FRO registered the court order that same day and confirmed that a notice was also being sent to the payor's income source to initiate wage deduction to pay the monthly support and arrears owing.

Ms T complained to our office that she was having difficulty getting the FRO to enforce her most recent court order. The new order almost doubled her support payments and she was eager to see it enforced. Ms T was unable to get through to the FRO on the phone to find out why it was not enforcing the new order. Our office contacted the FRO, which stated it had not received a copy of the new order. We obtained and provided Ms T with a direct fax number so she could immediately send the order to the FRO.

The FRO committed to promptly acting on the order when it was received.

Mr. U is a resident of Quebec paying support under a court order enforced by the FRO. His lending institution informed him there would be a problem in re-negotiating his mortgage since the FRO had reported him to a credit bureau for arrears owing. He claimed he had always paid his support on time and in full since 1997. He telephoned the FRO and was told he had been in arrears and the reporting was justified. He contacted our office for assistance. As a result of our intervention, the FRO reviewed its records to verify its findings with support enforcement authorities in Quebec. The FRO determined arrears had accrued on the case because of delays in reporting payments received by the Quebec government to the FRO. The FRO immediately requested that the inaccurate credit bureau reports be deleted.

Mr. V contacted Ombudsman Ontario complaining the FRO's records inaccurately indicated his child support payments were in arrears in excess of $4,000 and that he had not paid his income tax refund to the FRO as required by his support order. Mr. V told our office he had made all required payments on schedule, however, some payments had been made directly to the support recipient. Mr. V was particularly concerned that the payment record be corrected, as his support order provided that the final $1,000 payment would be forgiven, if his support payments were made on schedule. Despite his attempts, Mr. V had not been able to speak directly with an official at the FRO to discuss his concerns. An Ombudsman Representative contacted the FRO and provided information about Mr. V's direct payments to the support recipient. The FRO required written confirmation of these payments before Mr. V's account would be credited. Our office arranged for Mr. V to have the necessary documentation faxed to the FRO. As a result of our assistance, the FRO confirmed the payments with the recipient, they were credited to Mr. V's account and his payment was forgiven in accordance with his court order.

Ms W contacted our office upset because the FRO was inappropriately garnishing her wages at 50 per cent for support arrears. Her lawyer had faxed a judge's handwritten endorsement to the FRO confirming the arrears were no longer owing. An Ombudsman Representative made an informal enquiry to FRO. FRO responded that it could not enforce a handwritten endorsement without a court seal and that Ms W's lawyer had quoted the wrong FRO case number. As a result of our enquiry, the FRO agreed to hold funds in a suspense account pending receipt of a formal order. The funds were later released to Ms W. However, she complained that some payments were not accounted for. The Ombudsman Representative made additional enquiries and the FRO agreed to trace the missing payments. As a result Ms W received an additional $2,700 that had been missing.

Mr. X contacted Ombudsman Ontario because the FRO was continuing to collect support for his son even though his son was no longer entitled to receive it. Mr. X had sent the FRO a letter from the support recipient confirming this but Mr. X was unable to reach the FRO by phone to verify its receipt. As a result of our informal enquiry, the FRO confirmed receipt of the letter, adjusted Mr. X's account, sent a notice to his employer to reduce the deductions on his wages and returned an overpayment to him.

Mr. Y is a support payor. In 1993, his file was transferred from Newfoundland to Ontario for enforcement. The FRO notified Mr. Y that he owed arrears. He paid $280 and disputed another $300. The FRO agreed in 1994 that there were no arrears outstanding. However, in 1996, $300 was added back to Mr. Y's arrears account on the basis of documentation received from Newfoundland. In 2002, the FRO notified Mr. Y he was in arrears and despite his dispute and record of never missing a payment, through pre-authorized payment, took enforcement action. Mr. Y complained to the Ombudsman.

Mr. Y objected to the FRO's six year delay in notifying him of the arrears and believed it unreasonable for the FRO to expect him to maintain records for seven years after he had previously been told he owed no arrears. An Ombudsman Investigator reviewed the FRO's files. The records did not indicate why the FRO removed arrears in 1994 but it appeared that post-dated cheques were cashed in Newfoundland at the same time the case was transferred to Ontario. In response to our investigation, the FRO agreed to reimburse Mr. Y his $300. It also expressed regret for the inconvenience caused to Mr. Y. Despite this, the FRO failed to remove a federal garnishment and a support deduction notice was sent to Mr. Y's employer. Our office contacted the FRO again and was able to resolve these issues.

Mr. Z contacted our office complaining he had to pay support twice. His former employer deducted support from his wages but did not remit the money to the FRO resulting in arrears accumulating. The FRO obtained a court order in an attempt to recover the money that had been collected but not remitted. However, the FRO had received information that the employer was no longer in Ontario and its position was that it could not proceed against the employer if he was not in the province. Mr. Z told our office that the employer was working in another province but still lived in Ontario. When our office gave this information to the FRO, it agreed to review the case to see if it could pursue further action against the employer.

Mr. A complained to our office that he had been trying unsuccessfully for the past five years to obtain an overpayment owed to him by the FRO. Mr. A explained that in 1993 he and his former spouse agreed in court that he would pay $4,000 in settlement of his support obligations. Mr. A's lawyer sent a letter to the FRO confirming that the amount had been paid in full. Mr. A noted that to complicate matters, at about the same time, he was successful in a wage issue claim against his employer, which owed him about $4,000.

Mr. A said that because the FRO had garnished his wages, the amount that was supposed to be paid to him by his employer was sent to the FRO. Mr. A told us the FRO never acknowledged or actioned his lawyer's letter. Mr. A said some years later his bank did a credit check on him and discovered the FRO alleged he owed arrears. In 2001, Mr. A filed his income tax expecting a return of about $4,500 and this amount was also sent to the FRO as a result of a federal garnishment. The FRO agreed to pay Mr. A part of the overpayment but said he still owed about $2,500 in arrears.

An Ombudsman Representative contacted the FRO, which said it was trying to confirm what if any arrears Mr. A owed. After we made several calls to the FRO, it acknowledged it was unreasonable for it to hold Mr. A's funds without knowing whether he actually owed any money. As a result, the FRO confirmed the balance of funds being held, $2,486.73, would be returned to Mr. A and agreed to delete Mr. A's record at the credit bureau.

Mr. B, a support payor, tried to get the FRO to terminate its enforcement of his support obligation. He believed his children were no longer eligible for support, given their age and that they were no longer living at home or going to school. Mr. B contacted our

Dear Ombudsman

When I first wrote to Ombudsman Ontario seeking help I was skeptical. You have been very courteous and helpful from the beginning. You delivered on your promises. You got results... Because of your professionalism, I am now a convert on the very important role the Ombudsman's office plays in helping the citizenry deal with unresponsive government bureaucracies.

office, saying the support recipient had sent two faxes to the FRO to terminate the support obligation, but the FRO told him they could not locate the faxes. He said his Member of Provincial Parliament was unable to resolve the issue. Our staff contacted the FRO and questioned whether it had checked its fax logs and/or file for the faxes. When the FRO did so, it was able to locate the faxes, Mr. B's support obligation was terminated and $126.20 was returned to him.

Ms E is a support payor and has had custody of one of her children since January 2003. In November 2003, Ms E contacted Ombudsman Ontario and explained she recently obtained a new court order reducing her support obligation retroactively to January 2003. Ms E was about to go on sick leave and was concerned it would take up to six weeks for the FRO to adjust the amount being deducted from her bank account and that her sick benefits through Employment Insurance would be garnished. An Ombudsman Representative contacted the FRO, which said it had not yet received the court order. The Ombudsman Representative arranged for Ms E to forward the court order to the FRO and confirmed it had been received. The FRO adjusted Ms E's account to reflect the provisions of the new court order. The FRO determined Ms E had overpaid support by $4,171.50 and agreed to apply this overpayment towards Ms E's future support obligations. The FRO confirmed deductions from Ms E's bank account would resume in April 2005 and committed to provide written confirmation of the arrangement to Ms E and the support recipient.

Dear Ombudsman

Thank you for the time you have taken to help me sort out the overpayment problem with the Family Responsibility Office. As I advised you, I had written several letters to the FRO but did not receive a reply. I even tried to seek help through my Member of Parliament but received no help. Your office was my last resort and I am extremely happy with the help you have provided me.

Mr. A contacted Ombudsman Ontario after receiving a letter from the FRO warning him his driver's licence was about to be suspended for non-payment of support arrears. Mr. A was very concerned because he required his licence for his job. Mr. A claimed he had been unable to reach the FRO to discuss entering into a repayment agreement. An Ombudsman Representative contacted the FRO to discuss the case. The FRO agreed to place a hold on the licence suspension until staff could reach Mr. A to discuss a repayment schedule. A few days later, the FRO and Mr. A entered into a voluntary arrears payment schedule. Mr. A was able to retain his licence and his job.

Ms B, a support recipient, contacted the Ombudsman because she had not received support payments for some time, even though the support payor had stated payments had been deducted from his paycheque. Ms B claimed she had been unable to reach the FRO to obtain an explanation. An Ombudsman Representative contacted the FRO to discuss the situation. The FRO explained that a payment had been returned and subsequent payments had been placed on hold until Ms B's address could be confirmed. Ms B provided her correct address and the FRO released her money to her.

Mr. C, a support payor, complained to the Ombudsman that he had been trying for five years to clear up problems the FRO had caused regarding his credit rating. Mr. C explained that in 1998, he and his former spouse provided the FRO with confirmation that the support obligation for their children had ended. Mr. C said, despite this confirmation, when he applied for a loan in 2001, he was told the credit bureau's records showed him as owing support arrears.

Mr. C's lawyer then wrote to the FRO again confirming the support obligation had ended. Mr. C noted he was in contact with his bank recently and learned the credit bureau's records still indicated he owed support arrears. An Ombudsman Representative contacted the FRO and was told Mr. C's account was adjusted in 2001. The FRO stated when the account was adjusted there remained a small balance of arrears. However, the FRO acknowledged the parties were never made aware of these arrears and the support recipient had confirmed the support obligation had ended. Under the circumstances, the FRO proceeded to administratively rescind the arrears and close the case. The FRO also agreed to have Mr. C's credit bureau record deleted and provide him with written confirmation of the deletion.

Ms D complained to the Ombudsman that she had not heard from the FRO concerning her support order, which had been issued in Quebec and which she had taken steps to register in Ontario. After an enquiry by our office, the FRO contacted officials in Quebec, located Ms D's file, which had never been transferred from Quebec, and had it forwarded for registration in Ontario. Shortly after our call, the FRO began enforcement action and Ms D received the support monies owing to her.

Mr. F contacted Ombudsman Ontario complaining the FRO was collecting arrears that had already been paid. He claimed the support recipient had previously confirmed all arrears had been paid in full and then subsequently filed a false statement of arrears, which the FRO had proceeded to enforce. As a result of our intervention with the FRO, it obtained a legal opinion, which confirmed the support recipient could not claim for arrears she had previously confirmed were paid in full. The FRO agreed to remove $2,563 in arrears from Mr. F's account.

Mr. G contacted Ombudsman Ontario because he was having difficulty obtaining an update on his case from the FRO. Mr. G stated he had forwarded a new court order to the FRO but his account had not been adjusted or an overpayment returned to him. An Ombudsman Representative called the FRO and learned Mr. G had not submitted the court order, which it needed to process the change, but had only provided an endorsement. The FRO then proceeded to obtain a copy of the court documents, adjusted Mr. G's account and returned $3,096 to him the next day.

Dear Ombudsman

"It is with a deep sense of gratitude that I feel impelled to write my testimony as one who may truly attest to the impact of my undertakings and of my semi-invalid life to the truth of your objective motto serves – "Working to ensure fair and accountable service!"

Mr. T is a support payor currently receiving Ontario Works benefits. He complained to Ombudsman Ontario that the FRO was trying to collect support from him, even though his court order states he is not required to pay support while he is on social assistance. Mr. T told us he had been trying unsuccessfully for four days to reach the FRO by telephone to confirm his status. An Ombudsman Representative contacted the FRO, which confirmed, given Mr. T's circumstances, that it would terminate all enforcement, rescind all arrears and close his file.

Ms U complained to Ombudsman Ontario that the FRO was misinterpreting her court order and refusing to enforce a child support provision. An Ombudsman Representative contacted the FRO to discuss Ms U's case. As a result, the

FRO reviewed the case and confirmed that Ms U was correct. The FRO adjusted Ms U's account to reflect the correct balance of arrears. The FRO also undertook to send an updated notice of arrears to the jurisdiction in which the payor resides.

Ms V complained to our office that the FRO had failed to collect support arrears on her behalf. As a result of our intervention, the FRO contacted the payor's income source, which agreed to deduct 50 per cent of the payor's income to recover the arrears.

Dear Ombudsman

I would like to send a letter of thank you for your help in resolution of a coverage for medical transportation issue that I was having with ODSP office. Your staff person was able to get this issue resolved in days, as myself and the MPP's office were unable to get any results in six weeks.

Ms W complained that the FRO should remove her name from the credit bureau because she owed no support arrears. An Ombudsman Representative contacted the FRO, which had Ms W's file removed from the credit bureau.

Mr. Y contacted Ombudsman Ontario complaining that the FRO continued to deduct 50 per cent of his old age pension even though he did not owe any support arrears. Following our intervention, the FRO terminated a federal garnishment and sent Mr. Y a cheque representing his credit balance.

Ms Z, a support recipient, complained to the Ombudsman that the FRO had misplaced a support payment. An Ombudsman Representative contacted the FRO, which undertook to investigate. As a result, the FRO located the missing payment and posted it to Ms Z's account.

Ontario Disability Support Program (ODSP)

Ms B complained to the Ombudsman regarding the calculation of her retroactive ODSP benefit entitlement. Ms B was initially denied ODSP benefits but was later successful on appeal to the Social Benefits Tribunal. The Social Benefits Tribunal granted Ms B benefits back four months. The Ministry granted Ms B benefits back an additional period to the time when her second Disability Determination Package was sent to her. Ms B believed she was entitled to benefits for a longer period of time. Based on the information obtained, it appeared Ms B should have been awarded benefits back to the date she submitted the first Disability Determination Package. An Investigator contacted the Ministry and it agreed Ms B's benefits should have been paid from an earlier date. The Ministry explained the labour dispute in 2002 was responsible, in part, for the error. Ms B's benefits were extended back another four months and she received a cheque for $1,146.90.

Ms C contacted our office as she believed she was entitled to money under a support order that had been assigned to the Ministry while she was receiving benefits from the ODSP. She said the Ministry had not cancelled the assignment in a timely manner and had continued to collect money that should have been sent to her. An Ombudsman Representative made enquiries to the Family Responsibility Office (FRO), which was enforcing Ms C's support order, and to the Ministry concerning its ODSP records. As a result of our intervention, the Ministry agreed to review its records. It found that although Ms C's ODSP benefits ended in 1994, the assignment of support payments to the Ministry had not been cancelled until February 2001. The Ministry discovered that, while it had paid Ms C some moneys received from the FRO, it had collected four payments that should have gone directly to Ms C. The Ministry acknowledged its error and sent Ms C a cheque for $1,044.

Ms D, an ODSP benefit recipient, contacted our office complaining the Ministry was incorrectly requiring that she repay $2,000 of her ODSP benefits. Ms D asked the Ministry to review the matter but was told it could not be appealed. Ms D said she was neither told what the overpayment was for nor provided with any supporting documentation. An Ombudsman Representative contacted the Ministry, which explained the overpayment resulted from payments made under Ontario Works. However, the Ministry agreed to obtain supporting information and give it to Ms D. When Ms D did not receive any further information from the Ministry, our office contacted the Ministry again. The Ministry said the delay resulted from material being misplaced. Eventually, the Ministry classified the overpayment as nonrecoverable because Ms D had never been notified and indicated it would take no further steps to collect it.

Ms E contacted Ombudsman Ontario for assistance because she was unable to attend an appointment at the Ministry's regional office. The small town Ms E lived in had no bus service, she could not afford a taxi and she had recently moved to the town and didn't know anyone who could drive her. Ms E explained that Ministry staff said her ODSP benefits would be terminated if she did not make the appointment. An Ombudsman Representative contacted the Ministry to discuss the situation. As a result of our intervention, the Ministry agreed that Ms E could meet with Ministry staff in her own community.

Mr. F is a person with disabilities and a recipient of ODSP benefits. Mr. F complained to our office that the Ministry had sent a letter telling him it would be deducting money from his benefits for an overpayment, but could not explain to him how this overpayment occurred. The Ministry had not responded to his request to meet to discuss the matter. As a result of our informal enquiry to the Ministry, it was discovered that the overpayment resulted from an error when Mr. F's special shoes were paid for through Ontario Works instead of ODSP. Ontario Works had cancelled the payment, which had triggered an ODSP overpayment letter. Through our intervention, the Ministry identified a systemic problem with the process and committed to work with Ontario Works to correct it. The Ministry also wrote to Mr. F to apologize and clarify what had occurred.

Ms S, an ODSP recipient, called Ombudsman Ontario concerned because she required additional money to cover the cost of her medical supplies. Her Member of Provincial Parliament (MPP) had assisted her in the past in obtaining approval for additional money on a permanent basis, however she had not received this allowance for two months. Ms S, her family physician and her MPP had sent letters to the Ministry requesting that it correct the problem but the Ministry had not responded. When we contacted the Ministry, it confirmed the money had not been given to Ms S but had been approved months earlier. As a result of our intervention, a cheque was mailed to Ms S immediately and the Ministry committed to continue to pay her this supplement in a timely manner on future cheques.

Mr. G, a senior citizen, asked his caseworker at Ontario Works to transfer his file to the ODSP as, according to ODSP guidelines, he automatically qualified to receive benefits. However, his case was not transferred. He contacted our office to complain. An Ombudsman Representative contacted the Ministry, which agreed to contact his caseworker at Ontario Works to expedite the matter. Mr. G's file was transferred to the ODSP in June 2002 and the Ministry granted him benefits as of March 2002. Mr. G believed he should have been granted ODSP benefits from August 2001 and appealed to the Social Benefits Tribunal. In its decision, the Social Benefits Tribunal noted "Despite repeated attempts by the Appellant to obtain information, his requests fell on deaf ears, until intervention by the Ombudsman." The Tribunal stated it had no legislative

power to determine that the Director erred regarding the grant date but encouraged Mr. G to contact the Ombudsman to discuss his dilemma. After Mr. G approached our office again, our staff contacted the Ministry, which agreed to review Mr. G's file. As a result of our intervention, the Ministry determined that Mr. G should have received ODSP benefits as of May 2001.

Mr. T, an ODSP recipient, complained to our office that while the Ministry would reimburse him for medical transportation costs, he must spend $550 a month up front on cab fair to attend up to eight medical appointments a week. He explained that because of these transportation expenses he has difficulty paying for food and utilities. He said he had been trying personally and through his Member of Provincial Parliament for eight months to arrange for the Ministry to provide him with a transportation allowance or set up an account with a transportation company. Mr. T said Ministry staff had told him no options existed and that he should take an ambulance to his medical appointments. An Ombudsman Representative contacted the Ministry to discuss his case. As a result of our intervention, the Ministry agreed to set up an account with a cab company for Mr. T for his immediate use and process a cheque to reimburse him for his cab fares on an expedited basis.

Mr. X was in receipt of ODSP benefits when he received a large retroactive Workplace Safety and Insurance Board (WSIB) payment. As a result, the Ministry told Mr. X he owed an overpayment of over $45,000. Mr. X believed he owed significantly less and contacted our office for assistance. On review of the information, our staff was unable to determine how the Ministry calculated the overpayment. Following a written request by our office for information about the calculations used to assess the overpayment, the Ministry agreed to review Mr. X's file. The Ministry provided a written explanation of the calculations used to determine the overpayment. As a result of our enquiry, the Ministry acknowledged an error and stated Mr. X would receive a refund of over $5,000.

Mr. H registered for the self-employment program with ODSP Employment Supports. He contacted the Ombudsman because he was dissatisfied with the help he was receiving from service providers referred by the Ministry to assist him in setting up his own business. According to Mr. H and the Ministry, this was the second time that Mr. H had expressed dissatisfaction with his service providers. The first time, he complained about unreasonable delays caused by a service provider and he was allowed to terminate his contract and find another service provider. Mr. H complained that his current service provider had cancelled three meetings, two without any notice. He was also dissatisfied with the quality of the assistance he was receiving. When Mr. H complained to the Ministry about the service provider, he was referred back to the service provider to discuss his concerns. Mr. H was not satisfied with this response. He wanted to know more about how the Ministry selected service providers and monitored the quality of their services. According to Mr. H, the Ministry told him it was his responsibility to meet with each service provider and assess their ability to assist with his goals.

An Ombudsman Representative made several enquiries with the Ministry. The Ministry explained that it acts as a broker between program participants and community service providers, who are on contract with the Ministry to provide employment support services. It also explained that there are over 40 service providers in the region in which Mr. H resided. The Ministry confirmed it had no formal complaint mechanism to deal with concerns about service providers. As a result of our intervention, the Ministry provided Mr. H with a clear set of steps that he could take to address his concerns about his service provider. In addition, the Ministry agreed to review its procedures and develop a formal complaint mechanism for participants with concerns about

service providers in Mr. H's region. The Ministry subsequently provided our office with a copy of a new Client "Complaint About Service Provider" process, ODSP Employment Supports, for the region in question. The Ministry indicated this document would also be sent to ODSP Directors across the province as a model for possible use in their regions. We recently learned that another region has adopted a similar complaint mechanism for complaints against service providers and will soon be providing information about this mechanism to ODSP participants and service providers.

Ms A complained to our office regarding the Ministry's five month delay in processing her application for ODSP benefits. Ms A explained her application was received by the Ministry on August 5, 2003, and she had been told to call for a status update four weeks later. She claimed when she called in mid-October she was told to call back in another two weeks. She said when she called again in November, she was told her application would not be reviewed until at least the end of December. An Ombudsman Representative contacted the Ministry to discuss Ms A's concern. Within two days of our intervention, the Ministry had assigned her file to an Adjudicator and committed to provide her with a decision within one to two weeks.

Ms B complained to the Ombudsman that the Ministry was not providing her with critical health information concerning her residence. Ms B is disabled and receiving ODSP assistance. She explained she told the Ministry she had mold under her cabinets and it arranged for an environmental assessment to be conducted. Ms B claimed the Ministry refused to provide her with a copy of the environmental assessment report and told her to submit a freedom of information request. Ms B said she became very concerned about the contents of the report and decided to move her family out of the home and into a women's shelter to protect her children's health. An Ombudsman Representative contacted the Ministry regarding the environmental assessment report. As a result of our contact, the Ministry agreed to share the report with Ms B. The report confirmed environmental hazards in the home.

Ministry of Community Safety and Correctional Services

Adult Institutional Services - Central Region

The Ombudsman received a complaint from a number of inmates that they were not receiving medication. The facility they were housed in had restricted inmates to their cells so it could conduct an extensive search after potentially dangerous contraband had been discovered. The inmates said that the facility was only distributing "critical medications" such as medications for heart, blood pressure, seizure, diabetes and HIV but not others such as anti-psychotics, anti-depressants, chronic pain and sleeping medications. Our office contacted the Ministry, which confirmed that the facility was required by policy to provide medications as prescribed. As a result of our intervention, new procedures were put in place at the facility to ensure that, in similar situations in the future, all medications would be distributed as prescribed.

Dear Ombudsman

I am writing to you to sincerely thank you for helping me with my lost property. I have received a reimbursement for my books, and I am more than pleased on how quickly and effective you were on handling this problem on my behalf.

Mr. A, an inmate due for release within a month, contacted our office concerned that the Ministry had extended his release date by 20 days and no one had responded to his requests to discuss this change. When we contacted the facility, we were told that the records personnel had made

an error in the initial computation of Mr. A's sentence, which had recently been corrected. After hearing this explanation, Mr. A still maintained that the second release date was wrong. Our office asked the records department to review the entire sentence computation. After its further review, the Ministry acknowledged that it was actually the second release date that was wrong and in fact, Mr. A was entitled to be released one day earlier than he had originally thought. The facility corrected its records and apologized to Mr. A for the inconvenience caused by its error.

Ms D contacted our office, concerned that she had been placed in the same living area as another inmate, who had threatened physical violence towards her. Ms D claimed the facility had not responded to her requests for a transfer. Following our intervention, Ms D was relocated within the facility.

Mr. F, an inmate who spoke very little English, called our office because he had put in a number of requests to contact the Israeli Embassy, and had not received any response from the facility. Initially, Mr. F was reluctant to have us contact the facility. However, when he called again, we used a Hebrew interpreter and Mr. F asked that we assist him. An Ombudsman Representative contacted facility staff, who agreed to assist Mr. F with his request. Mr. F later called to say he had still not been allowed to contact the Embassy. Our office contacted the facility again, and the next day Mr. F confirmed he had been able to get through to the Embassy.

Mr. H complained to our office that he was suffering from drug withdrawal, was very unwell and the doctor had ordered that he have two days bed rest, but correctional staff refused to allow him to rest in his cell. Our office contacted a nurse at the facility, who confirmed that Mr. H required bed rest. The nurse immediately contacted the correctional staff on Mr. H's unit to ensure that he received it.

Mr. W, an inmate at a correctional facility, contacted Ombudsman Ontario complaining about a money order that had been missing for over two months. Although Mr. W was given a receipt for the money order, the facility's finance department told him it had not been received. An Ombudsman Representative contacted the facility to discuss the matter. As a result of her enquiries, the facility reviewed its records and located the money order.

Mr. I complained to the Ombudsman that a private correctional facility was not supplying him with kosher lunches. An Ombudsman Representative spoke with facility officials, who explained how they were preparing kosher meals. The facility confirmed with a Rabbi that the meals provided to Mr. I were not kosher, as the kosher seals had been broken when meals were prepared at the facility. However, the facility did not act immediately on this information. As a result of our continued discussions with the facility, it committed in future to provide sealed kosher meals at lunch to all Jewish inmates who required them.

An Investigator followed up with the Ministry's Senior Nutrition Consultant regarding the Ministry's general practices relating to kosher meals. The Investigator reviewed Mr. I's experience with the Consultant, who had some concerns about the caloric content of kosher diets. As a result of our intervention, the kosher menus used in correctional facilities throughout the province have recently been revised.

Mr. K, an aboriginal inmate, complained that he was not allowed to participate in a smudging ceremony. He explained that this restriction related to his alleged disrespectful conduct during a ceremony at another facility. An Ombudsman Representative made a number of enquiries and learned that Mr. K had been removed from a list of those who could wear a medicine pouch at another facility but he had never been barred from participating in the smudging ceremony there.

The Chaplain at Mr. K's current facility had misunderstood and assumed Mr. K was not entitled to participate at all in the spirituality program. The Chaplain apologized to Mr. K and he was reinstated on the list of participants for the smudging ceremony.

A complaint was received from a group of female inmates at a correctional facility. Ombudsman Ontario mailed responses to each of the complainants. About 20 letters were returned to our office indicating the inmates were no longer at the facility. An Ombudsman Representative contacted facility officials, who admitted that they were unaware of the Ministry policy requiring letters addressed to inmates no longer at the facility to be forwarded to their last known address. This issue was raised with the Superintendent who issued a directive to staff requiring adherence to the Ministry policy.

Mr. M, an inmate at a correctional centre, contacted our office to complain about a medication error. He explained he had requested medication for his acne but had received a prescription medication intended for another inmate. Mr. M said he took the medication for three days before health care staff became aware of the error. In the interim, Mr. M said he had started reacting to the medication and had been disciplined for his unusual behaviour. An Ombudsman Representative contacted the facility to discuss the situation and discovered it had not followed the Ministry's policy and procedures regarding medication errors. As a result of our enquiry, health care staff at the facility adopted new measures in compliance with the Ministry's policy to prevent a similar occurrence in the future. The facility also agreed to remove the discipline record from Mr. M's file.

Mr. N, an inmate at a private correctional facility, complained to our office about the refusal of facility health care staff to give him information. He explained he suspected he might have contracted the HIV virus during a fight with another inmate. Health care staff had placed Mr. N on medication and sent blood work for analysis. However, Mr. N's medication was suddenly discontinued after a month and health care staff refused to discuss the reasons for this with him. Ministry policy states that inmates are to be assessed within 48 hours of a possible exposure to the HIV virus. Exposed inmates are to be placed on medication for a period of one month and are to be tested at the time of the exposure, re-tested at six weeks, three months and six months. The policy also states that the series of tests are necessary since the anti-body may not be detected in the first or second tests. When an Ombudsman Representative contacted health care staff at the facility, they said they were unaware that follow-up tests were required. Our office provided the facility with a copy of the Ministry policy and as a result, follow-up tests were conducted and Mr. N was advised of the results.

Dear Ombudsman

Throughout my entire stay at the institutions I suffered a number of unfortunate circumstances, partly due to the fact that this was my first and last time in such an atmosphere and was unaccustomed to the workings of such an institution. I came upon the Ombudsman, my contact was simply a life saver in more ways than one, and without her, I would hate to think how much worse things might have been.

Dear Ombudsman

I'd like to thank your staff for her perseverance in getting adequate medical care for me. My problem has finally been fixed and I owe a debt of gratitude to your staff who never gave up.

Mr. O, an inmate at a privately run correctional centre, wrote to Ombudsman Ontario complaining about the facility's failure to respond to his numerous requests to see a doctor because he had discovered tumours he feared might be malignant. An Ombudsman Representative contacted the facility and spoke with health care staff about Mr. O's concern. As a result of our enquiry, Mr. O was seen by a doctor the next day and provided with treatment.

Mr. Q, an inmate at a privately run correctional facility, complained he was not issued appropriate clothes by the facility. Mr. Q is obese and diabetic. He explained that the t-shirts, underwear and socks he was given were too small and that as a diabetic, with an injured toe, it was critical that he be given appropriately sized socks. Our office contacted facility officials, who immediately provided Mr. Q with clothing appropriate to his size and medical requirements.

Mr. R, an inmate in a segregation cell at a detention centre, complained that his cell was very cold at night. Ombudsman staff attended at the facility, met with facility officials, took temperature readings and reviewed facility temperature records. Our staff was not able to confirm Mr. R's allegation of cold temperatures in the segregation cells, but facility officials undertook to ensure that the temperature in the segregation area is balanced at night. Mr. R later confirmed that the situation had improved.

Mr. S, an inmate in a privately run correctional facility, contacted Ombudsman Ontario. He explained he was a diabetic and required a specific medication, which he was not receiving at the facility. Mr. S said he had spoken with several nurses and submitted requests to see the doctor but he had not received a response. An Ombudsman Representative contacted the facility's Health Care Coordinator to discuss Mr. S' situation. As a result of this enquiry, Mr. S was seen by a doctor and received the medication he required.

Mr. T, an inmate at a correctional complex, complained to our office that he had not been receiving diabetic meals for two weeks. He and his family had complained to the facility without success. An Ombudsman Representative spoke with the facility regarding Mr. T's concern and as a result, he began to receive his proper medical diet.

Mr. U, an inmate at a correctional centre, complained to our office that he was not receiving adequate health care. Mr. U had sustained broken ribs and teeth during his arrest. He had received no responses to his numerous requests to see a doctor and dentist. An Ombudsman Representative contacted the facility and explained Mr. U's concerns. The facility immediately arranged to have Mr. U seen by a doctor that day and by a dentist within a few days.

Mr. V, an inmate on immigration hold at a correctional complex, complained to our office that the facility was refusing to mail his letters to his lawyers and his Consulate free of charge. Facility officials told an Ombudsman Representative that they would not mail Mr. V's letters, as he was using large envelopes rather than the small envelopes provided to inmates for use at no charge. The Ministry's policy provides that inmates may mail two letters a week at no cost. The policy does not refer to the size of the envelope to be used. The Ministry's policy also states that correspondence with Consular or Embassy Officials is not to be

delayed or intercepted. After the Ombudsman Representative reviewed the Ministry policy with the facility, it agreed to mail Mr.V's letters at no cost to him and without further delay.

Mr. W, an inmate at a detention centre, called Ombudsman Ontario complaining he had not received a clean coverall in over two months. An Ombudsman Representative contacted the facility to discuss Mr. W's complaint. Facility staff confirmed that the facility did not carry Mr. W's size. However, as a result of our intervention, the facility immediately obtained a replacement coverall and provided it to Mr. W.

Mr. X, an inmate in a privately run correctional centre, called our office in distress. He explained that because of his mental state he was under a doctor's order not to share his cell with any other inmate. However, he stated he was sharing a cell and was hearing voices telling him to kill his cellmate. An Ombudsman Representative immediately contacted the facility and urged correctional staff to enquire into Mr. X's situation. Within minutes correctional staff called back to confirm Mr. X's story and explain that the doctor's order had been overlooked. Mr. X was immediately moved into a cell by himself.

Mr. Y, an inmate at a privately run correctional facility, called complaining he had been served the wrong meal at lunch. Mr. Y said he was on a strict medical diet and had been served a regular meal containing foods to which he is severely allergic. He stated he had alerted correctional officers who notified the kitchen of the mix-up. However, he explained that when a replacement meal was brought up it was given to another inmate and when he complained, he was told he would have to wait until dinner to eat. An Ombudsman Representative contacted the facility to discuss the situation. As a result of our enquiry, correctional staff ensured that Mr. Y was provided with a proper replacement meal.

Mr. Z, an inmate at a correctional complex, complained to Ombudsman Ontario that his life would be in danger if he were transferred to a particular facility. Mr. Z said he was scheduled to be transferred to a facility that held gang members arrested because of information he had provided to police. When an Ombudsman Representative contacted facility officials, they agreed to look into the matter further. As a result, Mr. Z met with facility officials and was re-classified to serve the remainder of his sentence at another institution.

Mr. A, an inmate at a privately run correctional facility, contacted Ombudsman Ontario complaining that the medical cell in which he was housed did not have tables. Mr. A was concerned about accidentally spilling hot food. When an Ombudsman Representative contacted the facility, officials explained tables were not installed in medical cells because of security concerns. However, the Ministry told our office that many inmates in regular cells have desks or tables and suggested inmates who are ill also need tables near their beds. The Ministry's Senior Nursing Consultant undertook to review the situation. As a result of our office's intervention, the Ministry committed to ensure that bedside tables would be installed in all medical units at the facility.

Dear Ombudsman

In the past, I held the belief that the Ombudsman's office was only instituted to mollify inmate's grievances. But you did right by me, and I thank you very much.

Ms B, an inmate at a detention centre, complained to our office that she had requested a money order be deposited in her trust account three weeks before, but had not received a response. An Ombudsman Representative contacted the facility and requested that Ms B's account be reviewed. As a result of our enquiry, the money order was tracked down and Ms B received a receipt for its deposit.

Mr. C, an inmate at a privately run correctional centre, complained he was suspended from attending the facility's school program because of alleged misconduct. He claimed the police had investigated the incident and found insufficient evidence to charge him. Mr. C explained the facility had not responded to his requests to be transferred back to a unit that provided a school program. An Ombudsman Representative contacted the facility, which could not explain why Mr. C was still being detained on a unit without a school program. After further discussions, the facility agreed to transfer Mr. C to another unit so that he could complete his studies.

Ms D, an inmate at a correctional centre for women, contacted our office in distress. She explained she was pregnant and had discovered she was bleeding. She claimed she had reported her condition to the nurse but had been told to submit a written request to be seen by a doctor. Ms D believed she needed urgent medical care as she felt her pregnancy was in jeopardy. She stated she could not wait to follow the standard practice for requesting to see a doctor. An Ombudsman Representative attempted to contact the facility's health care department, but was unable to reach medical staff. After trying a number of officials who were not available, our staff finally contacted an Operational Manager who agreed to immediately take Ms D to health care for the necessary examination.

Mr. E, an inmate in a correctional centre, contacted our office concerned he was not being allowed to enter a rehabilitation program for offensive sexual behaviour. Although Mr. E's application to participate in the program had been approved, he had been awaiting transfer to a treatment centre for over two months. As the treatment centre's programs require a minimum of six months of inmate participation and Mr. E only had five more months to serve on his sentence, his chances of being admitted into the program were decreasing. The officials at the facility acknowledged time was running out for Mr. E to obtain any form of rehabilitative treatment. Given these circumstances, our staff contacted the treatment centre to ensure there was a bed still available for Mr. E and then contacted the Manager for the Offender Transfer Operations, who arranged for Mr. E's immediate transportation to the treatment centre.

Mr. F, an inmate at a correctional complex, contacted our office regarding his request for transfer to a facility close to his home prior to his release. Mr. F explained he had been told his transfer request had been approved but then had heard nothing since, despite having submitted numerous written requests for information. An Ombudsman Representative contacted the facility to discuss Mr. F's situation. The facility confirmed Mr. F's request for transfer had been approved but explained because of staff oversight, the bailiffs had not been notified of the pending transfer. After we contacted the facility, Mr. F was promptly transferred to the facility close to his home.

Mr. G, an inmate at a correctional centre, spoke to our office through a interpreter. He explained he had broken his leg last year and had been wearing a leg support prior to his incarceration. He claimed his leg was currently swollen to double its size and he was in pain. He said the facility's physician had recommended he wear an ankle support and measurements had been taken, but nothing had happened so far. An Ombudsman Representative spoke to health care officials at the centre, who ensured Mr. G was provided with the recommended support for his ankle.

Mr. H, an inmate at a jail, called complaining he was not receiving appropriate visitor access. He explained he had been placed in segregation for protective reasons, as he was involved in a highly publicized murder trial, in which his brother was a victim. He said before going into segregation he was allowed visitors between 1 p.m to 4 p.m, but in segregation he was allowed visitors only between noon and

1 p.m. An Ombudsman Representative contacted the jail to discuss the situation. The facility agreed Mr. H's visiting hours should not have been restricted and they were extended accordingly.

Mr. I, an inmate at a correctional centre, complained to our office about the lack of privacy when he met with his lawyer. The facility required that he talk to his counsel over a phone through a glass partition. This made it very difficult for Mr. I to review transcripts or study documents and he claimed it compromised his solicitor/client confidentiality. As a result of our office's intervention, the facility agreed to allow Mr. I to meet with his lawyer in private.

Mr. B, an inmate, was transferred from a privately run provincial correctional facility, to a federal facility during the labour dispute of 2002. His property was not transferred with him. A property document from the federal facility identified that his property arrived a week after Mr. B was transferred. However, Mr. B's briefcase, which the operator of the provincial facility indicated contained his personal property, did not arrive at the federal facility with his other property. Mr. B attempted to resolve the issue with the provincial facility. However, the operator's investigation did not resolve the matter because it had not retained relevant records about the inmate's requests for his property, nor did it retain documents identifying when and by whom the property was transferred to the federal facility. As a result of an enquiry by our office, the operator of the provincial facility agreed to reimburse Mr. B $300 for his lost property.

Mr. C, a former inmate, wrote that his property was lost when he was transferred to a privately run provincial correctional facility. As a result of an enquiry by our staff, the facility investigated the matter and located the property. However, the facility required Mr. C pick up the property. By this time, Mr. C lived a substantial distance away. After additional efforts on the part of our staff, the facility agreed to return the property directly to Mr. C, at its expense.

Mr. M, an inmate at a correctional complex, complained his clothes were lost when he was in the Admission and Discharge area during a transfer to a privately run provincial correctional facility. Mr. M stated that when he examined his garment bag before boarding the bus to go to his new facility, he found it was empty. Mr. M repeatedly raised the issue of his missing clothes with the staff of the correctional complex during the transfer but they refused to deal with the matter. The property sheet filled out by the correctional complex identified various items of clothing, but the only clothing itemized by the receiving facility's staff on Mr. M's arrival was a belt. When Mr. M left the correctional complex he signed his property sheet to ensure his other personal items were released and forwarded with him. Institutional documents confirmed only one property bag was transferred.

Initially, the correctional complex refused to reimburse Mr. M because he had signed for his property when he was being transferred. However, our notice of intent to investigate prompted the facility to pay Mr. M $1,610 for his missing clothes.

Mr. J complained to our office that a correctional complex had not forwarded his foreign currency when he was transferred to a federal facility in May 2002. He was currently in another federal facility. When Mr. J was admitted to the correctional complex it was noted on his personal property declaration form that he had 3,000 Jamaican dollars and 140 British pounds. Correctional staff told us that Mr. J's foreign currency had been placed in a plastic bag, sealed in his property bag and sent to the federal penitentiary in June 2002. The federal facility Mr. J was in, stated it received Mr. J's property bag in August 2002 but it did not contain the foreign currency. Review of bailiff records indicated Mr. J's property was picked up from the provincial correctional complex in August 2002. After Ombudsman staff discussed the case further with the provincial facility, it agreed to reimburse Mr. J for the missing funds noting

that the property loss appeared to be related to deficiencies occurring as a result of the labour dispute in 2002.

Mr. E, a federal inmate, contacted our office. He had been transferred to a jail to testify in court as a witness. Mr. E feared for his safety, given his witness status, and because it was possible an inmate who had stabbed him in the past or another involved in the incident, might be at the same facility. Mr. E had not yet been taken to court to testify and jail staff had told him the transfer had been a mistake. Mr. E told Ombudsman staff he could not sleep and had attempted suicide a few days before. As a result of an enquiry by our office, a senior jail official immediately met with the inmate, placed him in administrative segregation to ensure his safety and arranged for his transfer back to the federal correctional system. The official also told Mr. E to notify the institutional security officer in his federal facility, if he was to be transferred back to the provincial correctional system to testify, in order that steps could be taken to ensure his safety.

Dear Ombudsman

I really appreciate the concern and support you have shown toward me, as well as the valuable information you have given me. Every little ray of hope counts – and you have given that to me. Thank you.

Mr. F, an inmate at a jail, called us asking for assistance. He explained he had been arrested on one charge and told there was also an outstanding warrant for his arrest. Mr. F spent a night at the police station. The next day he was granted bail on the recent charge and transferred to the jail. However, at the jail, when he went to sign papers related to his release, he was told he still needed to serve additional time on the outstanding warrant. He was told that the date on the executed warrant was two days after he was actually taken into custody and accordingly, the time he would have to serve would start on that date. An Ombudsman Representative contacted the Ministry to discuss Mr. F's sentence calculation. The Ministry attempted to contact the police to verify when the warrant was executed but the officers in question were not available. As a result of further discussions with our office, the Ministry agreed that Mr. F had completed his sentence requirement and he was released one day earlier than he was originally advised he would be.

Adult Institutional Services, Eastern Region

Mr. C, an inmate in a small correctional facility, complained to Ombudsman Ontario that despite the fact he has a life-threatening allergy to beets, he had been served beets three times. An Ombudsman Representative contacted both the Food Services Manager, who had no record of Mr. C's allergy and the Health Care Coordinator, who confirmed Mr. C's allergy to beets. The facility immediately corrected its food service records to ensure that Mr. C was never served beets again.

Mr. F contacted our office concerned about another inmate, Mr. G, who was unwell. He said Mr. G was experiencing trembling, cold chills and convulsions. An Ombudsman Representative contacted the Health Care Coordinator regarding the matter. The Coordinator undertook to look into the situation immediately. The next day, the Coordinator confirmed that the facility doctor had seen Mr. G, who had been sent to the hospital by ambulance and later returned to the facility.

Mr. P., an inmate at a detention centre, contacted Ombudsman Ontario, complaining that a correctional staff member had thrown a prayer book to the floor and that the facility had not addressed his complaint about the incident. As a result of an enquiry by our office, senior facility officials spoke with the inmate and an internal investigation was commenced into the incident.

Mr. X, an inmate at a correctional centre, called to complain that it was very cold in the facility. An Ombudsman Representative contacted the facility to enquire about the heating situation. Correctional staff inspected the area and determined it was only 66 degrees Fahrenheit. As a result, the facility took immediate steps to increase the heat.

Adult Institutional Services, Northern Region

Mr. B, an inmate in a regional jail, complained to our office about the conduct of a correctional officer. Mr. B explained the officer had made disparaging remarks when he had applied to join a treatment program. Mr. B had complained to the facility but a number of weeks had gone by without any resolution. Facility staff confirmed that the incident did occur, that the remarks made to Mr. B were inappropriate, and that an incident report had been compiled. However, the report had not been forwarded to the Superintendent's attention. Following our intervention, the incident report was immediately submitted to the Superintendent, the officer was reprimanded and an apology was offered to Mr. B.

Mr. J, an inmate in the segregation unit of a correctional complex, complained to our office that he was unable to sleep because lights were kept on in the unit 24 hours a day. He explained that, after a number of inmates had committed or attempted to commit suicide while in segregation, new lights had been installed to assist correctional staff in observing inmates. Mr. J said that the new lights had been on day and night for two weeks and that everyone in the area was sleep-deprived. An Ombudsman Representative contacted the Superintendent to discuss the situation. As a result of our enquiry, the Superintendent inspected the area, agreed the lights were very bright and had a dimmer system installed to address the issue.

Mr. K is an inmate in a treatment facility. He stated because of a pre-existing back injury he needs access to an open cell so he can sit or lie down as required. An Ombudsman Representative contacted the facility, which agreed to move Mr. K to a cell in medical segregation so he could access his bed, at any time. Mr. K also complained staff had opened his mail from his lawyer without his being present, in contravention of Ministry policy. After our office called the facility to discuss this incident, a memo was issued to all staff requiring adherence to the Ministry policy regarding confidential correspondence.

Adult Institutional Services, Western Region

Mr. D, an inmate at a detention centre, wrote several letters to our office. He was placed in administrative segregation for a few weeks at his request. He told us that during his time in segregation all the personal property he had in his cell, including telephone directories and a dictionary, was removed. He also stated his access to the telephone had been severely restricted. An Ombudsman Representative contacted the facility and was told that, as personal property in the segregation area often was lost, a decision had been made that all inmates, regardless of their status, would not be allowed to keep any personal property with them. Our review of the facility's new segregation procedures revealed inmates placed in administrative segregation were being treated the same as those placed in segregation as a punitive measure. No personal property was allowed, no pillows were provided and telephone access was very limited.

It was apparent to our staff that the facility was acting in contravention of Ministry policy. Ministry policy requires that, unless there are reasonable and compelling reasons to the contrary, inmates in administrative segregation are to be accorded the same conditions of confinement, rights and privileges as those afforded inmates in the general population.

These rights and privileges include reasonable access to telephone services, a reasonable amount of personal property, clothing and bedding. The Ombudsman Representative brought this policy to the facility's attention but no changes were made. The Ombudsman Representative then contacted the Acting Deputy Regional Director to discuss the situation. As a result, he readily agreed the facility was in violation of Ministry policy and immediately wrote to the facility, setting out the policy that must be followed in the segregation area.

Mr. E complained to the Ombudsman that he had a bad skin condition and the facility in which he was housed would not give him the medically prescribed soap, mineral oil and lotion that had been given to him at another facility. He said the facility told him it did not allow the use of mineral oil for security reasons and that he could purchase the soap from the canteen. Ministry practice requires that inmates be provided with medically required products. When we contacted the facility, we were told that the soap was not available from the canteen but could be ordered by health care from a pharmacy at Mr. E's expense. After further discussion with facility officials, the facility agreed to provide Mr. E with the products he required, with the exception of the oil.

Mr. G, an inmate at a detention centre, complained to our office that he had not been given the opportunity to change into his street clothes before attending court. Mr. G told us that correctional staff had not responded to his concerns about the incident. Our office immediately contacted the facility and referred the Deputy Superintendent to the Ministry policy guidelines, which specify inmates attending court should be dressed in their own clothing. The Deputy Superintendent attributed this incident to miscommunication and assured our office that it would not recur. Mr. G told our office that as a result of our intervention, he had received assurances from the facility that he will be able to wear his own clothing for his next court appearance.

Mr. L, an inmate at a correctional centre, complained to our office that his tinted prescription glasses had been taken away by correctional staff because of the darkness of the lenses. Mr. L claimed as a result of the removal of his glasses, he could not see clearly, felt vulnerable and had suffered from headaches. Although Mr. L had received an older pair of glasses a day and a half after they were removed, he was still concerned about the facility's actions. An Ombudsman Representative contacted the Security Manager at the facility to discuss the situation. The Security Manager confirmed that tinted glasses are not allowed in the facility unless the inmate's eyes are sensitive to the sun. However, he said Mr. L's glasses should not have been removed until a replacement pair had been made available. As a result of our enquiry, the Security Manager issued a memorandum confirming that inmates should be allowed to keep prescribed tinted glasses in their possession until they are replaced with normal prescribed glasses.

Ministry of Consumer and Business Services

Registrar General Branch (the Branch)

Ms A, an out-of-province lawyer, called to complain she had applied twice for her client's marriage certificate, which was required for a divorce proceeding. Ms A explained she had tried unsuccessfully to reach the Branch by phone to find out why there was a delay in processing the first application and sent a second application three months later when she could not get the Branch to confirm receipt of the original application. As a result of our intervention, the Branch printed the marriage certificate and Ms A received it within a week.

Mr. B complained to our office about the delay he was experiencing in obtaining a birth certificate. He explained that he is a Canadian citizen who has resided and worked in the United States for over a decade. He stated that because of new security measures, the United States government required that he produce his birth certificate by a certain date, in order to continue living and working in the United States. Mr. B said he had applied for expedited service, which involves an extra $15 charge, and had been told he should have the certificate within 10 days. Mr. B explained that the 10 days had passed, he still did not have his certificate, and the deadline to provide the certificate was imminent. He said that the Branch could not confirm whether or not his application had even been received. As a result of our contact with the Branch, the Branch located Mr. B's application, started working on it immediately and Mr. B received his birth certificate in time.

Mr. C complained to Ombudsman Ontario that he was having difficulty obtaining his birth certificate. He explained that he had returned to Canada after living out of the country for many years and that his wallet with all his Ontario identification had been stolen. Mr. C said he had been unable to obtain Ontario Health Insurance Plan coverage, a driver's licence and a social insurance number without his birth certificate. Mr. C also explained that he had no income and could not obtain employment without first obtaining his birth certificate. By the time our office became involved, Mr. C had two applications active at the Branch. He had first applied for normal service and sent in a money order. However, when he learned it would take 24 days to process his first application, he applied for expedited service. Mr. C was told that the Branch would not process his second application because he did not have a credit card. An Ombudsman Representative contacted the Branch to discuss the case. As a result of our intervention, the Branch agreed to locate Mr. C's earlier application, apply the money order to the request for expedited service and provided Mr. C with his birth certificate.

Mr. D contacted the Ombudsman because the Branch had not processed his application for a birth certificate and he needed one within a day, in order to apply for a passport to leave the country for work purposes. As a result of our enquiry, the Branch printed the certificate and delivered it the next day.

Mr. E complained to Ombudsman Ontario that he had applied for a birth certificate for his son on an emergency basis and had not yet received anything from the Branch. Mr. E explained that he had been unable to get through to the Branch by phone. Mr. E needed the certificate urgently, as his family was leaving the country in a few days. An Ombudsman Representative contacted the Branch, which acknowledged it had been having difficulty keeping within the timelines for emergency services. As a result of our intervention, the Branch couriered the certificate to Mr. E the next day.

Ms F, a senior and recent widow, complained to our office about the Branch's delay in issuing a death certificate. She stated that the Branch had promised to deliver the certificate to her four days earlier. She explained that she needed the birth certificate to settle an estate overseas and that if she did not receive the certificate within two days, she would lose a lot of money. As a result of our contact with the Branch, Ms F received the certificate the next day.

Ms G contacted our office because she was having difficulty obtaining a birth certificate for her infant son. She had applied in October 2003 and re-submitted her application for emergency service in November 2003. She explained that the Branch had told her it had mailed the certificate to her on December 4 but she had not yet received it. She said the Branch told her it would call her back with a Canada Post tracking number so she could try to find her son's birth certificate but no one had called her. her Member of Provincial Parliament had been unsuccessful in obtaining

an answer and she was unable to get through to the Branch by phone to follow up herself. When our office enquired as to the status of Ms G's application, we discovered that the birth certificate was ready but for unknown reasons, it had not been mailed to Ms G. As a result of our intervention, the birth certificate was couriered to Ms G that same day.

Ms V complained to our office about the Branch's delay in processing her application for her daughter's birth certificate. Ms V had filed two applications, the second on an expedited basis. Ms V's daughter was scheduled to leave the country and required her birth certificate on an urgent basis. Ms V said she was unable to get through to the Branch by phone. Our office contacted the Branch, which confirmed the certificate had been printed and agreed to have it sent to Ms V by express post. The day before the certificate was required for travel, we learned that it had not been sent. As a result of the Branch's further discussions with our office and Ms V, it had the certificate flown overnight so that it reached Ms V in time.

Dear Ombudsman

I would like to mention the outstanding job that your office did in assisting me this week. I had applied for and received a guarantee of 48 hour service for my daughter's birth certificate. Apparently 48 hours means "whatever." I absolutely had to have this paperwork by Friday. My MPP got nowhere with inquiries, so I contacted your office. Your staff person arranged to have everything done in time, somehow. This means a lot to me and my family and we can't thank her enough. Awesome job getting a response from an agency that I could not ever get to on the phone.

Mr. Z complained about the Branch's delay in providing him with a letter confirming his marriage registration and his marriage certificate. Mr. Z explained that he had called the Branch numerous times and his Member of Provincial Parliament had also called without success. Within four business days of our enquiry to the Branch, it confirmed that the letter and certificate had been printed and would be mailed out to Mr. Z.

Mr. A complained to Ombudsman Ontario about the difficulty he was having getting his son's birth certificate replaced. Mr. A's son was getting married in a few days and he was giving him a surprise honeymoon in Mexico. Unfortunately, his son had lost his birth certificate and he would need one to travel. Mr. A had attended in person at a Ministry office, two months before contacting our office, to file an application for the birth certificate. He had followed up a number of times with the Branch and was eventually told there had been a problem with mismatched information that caused delay. Before contacting our office, Mr. A had been told the birth certificate would be mailed to him the next day but could not be couriered. He was concerned the birth certificate would not arrive in time for his son to take his honeymoon. An Ombudsman Representative contacted the Branch and the next day Mr. A received the certificate just in time for the wedding.

Mr. B complained to Ombudsman Ontario that the Branch's toll free general inquiry line was constantly busy. He stated he wanted information about how to apply for a copy of a marriage certificate but had tried for a week unsuccessfully to get through to the Branch by phone. An Ombudsman Representative contacted the Branch to discuss the situation. As a result of our enquiry, Branch staff promptly contacted Mr. B and provided him with the necessary information.

Ms C resides in the United States. Her late spouse died in Ontario last spring. Ms C contacted Ombudsman Ontario claiming she had been waiting for over four months to receive copies of her spouse's death certificate. She said the Branch told her in July it would take up to six weeks to get the certificate. In early August, she mailed credit card information in response to the Branch's letter stating it could not accept a cheque in American funds. Ms C explained she could not afford to telephone Thunder Bay Ontario and wait on the line up to 45 minutes to reach a voice mail box. Her financial situation was becoming desperate and she needed the death certificate to access assets and settle her husband's estate.

Our office contacted the Branch enquiring about the status of Ms C's application. The Branch could not find her application or any other documentation on her case. An Ombudsman Representative arranged for Ms C to fax her documents relating to her application to the Branch and our assistance led to the certificate being mailed out to Ms C a few days later.

Mr. D contacted Ombudsman Ontario for assistance in obtaining a correct birth certificate. Mr. D had recently requested a birth certificate from the Branch. He had received the certificate, but his name had been misspelled. He was scheduled to leave the country in a few days for a number of months and wished to have a correct birth certificate before he left. He had sent the incorrect certificate back two weeks before contacting Ombudsman Ontario, but had heard nothing further. An Ombudsman Representative contacted the Ministry and the Branch agreed to print a correct certificate that day and courier it the next day to Mr. D so that he would receive it before he left the country.

Mr. E contacted Ombudsman Ontario complaining about the difficulty he was having obtaining birth and marriage certificates from the Branch. He said he needed the certificates urgently because he was leaving the country shortly to start a new job. Mr. E explained he had called the Branch in early December 2003 and was told if he attended an office in person, he could get birth and marriage certificates on the same day he applied for them. Consequently, Mr. E spent $250 to take a train to Toronto with his family to apply for the necessary certificates. When Mr. E and his family arrived at the Branch office, they waited in line only to be told the Ministry had cancelled same day service that week. Mr. E said he was then told he could obtain the certificates in 48 hours. Mr. E noted when his family finally made it to the counter for service, they were told they could not get the certificates in 48 hours because this service was limited to 200 people a day and they were over the limit. Mr. E was then told he could obtain the certificates within 10 days. Mr. E contacted Ombudsman Ontario because he had not yet received the certificates and was concerned the certificates would not arrive before he and his family left the country. An Ombudsman Representative called the Branch and after this discussion, the Ministry looked into the matter and confirmed a few days later that the birth certificate had been sent out and the marriage certificate would be sent out that day by courier.

Ministry of Energy

Hydro One Networks Inc. (Hydro One)

Mr. A complained to Ombudsman Ontario that although he had requested years ago when his electrical system was upgraded, that Hydro One bill him for his exact charges, it continued to bill him using estimates and had recently billed

him for approximately $2,000 in back charges. When we contacted Hydro One, it acknowledged that when Mr. A's meter was changed, the changes were never completed in the Hydro One computer system and this resulted in the meter not being read. Hydro One agreed to credit Mr. A with service charges and late payment charges and enter into a payment arrangement with him.

Ms B, a social assistance recipient, complained to our office that Hydro One was threatening to terminate her service if she did not make a payment of $715. Ms B explained that she could only afford to pay a maximum of $200 monthly. Following our contact with Hydro One, it agreed to await Ms B's income tax refund for payment.

Ms Z contacted our office explaining that she and her spouse own and operate a motel. She said they had been experiencing financial problems and the property was up for sale.

Ms Z explained that they were behind in paying their hydro bills by several thousand dollars but had told Hydro One that they could pay $700 immediately and pay the difference in installments. She said that Hydro One had at first agreed to this arrangement, but later called rejecting the proposal and threatening to terminate hydro service unless a security deposit equivalent to two-and-a-half months' hydro usage was provided. $1000 was paid immediately and the balance paid the following week. Following our discussion of Ms Z's concerns with Hydro One, Ms Z and Hydro One entered into a repayment agreement, which did not require the payment of a security deposit and established an equal payment billing plan for the future.

Mr. A and Ms B complained to the Ombudsman that Hydro One had disconnected their power supply. The complainants are farmers and they need the power supply for their barn. They were very concerned for the safety of their livestock given the cold temperatures and their cattle's need for water. The complainants explained that Hydro One had admitted to over-estimating their hydro usage over the last six months. They claimed that while Hydro One had reimbursed them for the over-estimated usage, it had not adjusted the corresponding delivery charges and service fees or rebated late payment charges on money they claimed they did not owe. The complainants stated they should have a credit with Hydro One of approximately $1,700. An Ombudsman Representative contacted Hydro One to discuss the situation. Hydro One staff committed to looking into the complaint on an urgent basis. Within a matter of hours, Hydro One arranged for the complainants' hydro service to be reconnected and Mr. A and Ms B agreed to negotiate an interim payment schedule, while their account was being adjusted and reviewed.

Mr. C complained to Ombudsman Ontario about Hydro One's billing practices. He explained that when he moved into his current residence, the hydro billing was supposed to be adjusted from seasonal to residential use. He chose to be billed each month but for the meter to be read every three months. During the year, Mr. C received monthly billings but then received a large bill adjusting his account at the end of the year. He then discovered the hydro billing had not been adjusted and his meter had not been read all year. Hydro One acknowledged they had erred by not changing the billing from seasonal to residential. However, because Mr. C intended to move out of the residence, it required that he repay the bill within a couple of months. Mr. C considered this to be unfair. An Ombudsman Representative contacted Hydro One to discuss the matter. Hydro One consequently discussed the matter with Mr. C and offered him a year's service charge credit and the option of repaying the bill over an extended period.

Mr. D complained to the Ombudsman about Hydro One's billing practices. He explained when he and his late spouse moved into their home in 1999, they notified Hydro One

they were in the process of renovating for year round use and requested that they be billed on a monthly basis. Mr. D claimed that although Hydro One had agreed to read the meter quarterly and send the bills monthly, it had never adjusted its billing. In August 2002, Hydro One billed Mr. D approximately $8000. Mr. D is in receipt of social assistance and had difficulty paying this amount. Hydro One warned him his service would be disconnected if the bill remained outstanding. An Ombudsman Representative called Hydro One to discuss Mr. D's account. After considering Mr. D's situation, Hydro One agreed to enter into a repayment agreement with him. It also made numerous adjustments to his account, crediting him for late payment charges and removing $500 in interest charges.

Mr. E called our office concerned that Hydro One had notified him it would be disconnecting his service the next day. Mr. E explained his spouse is very ill and he is trying to support his family of four on benefits he receives through the Ontario Disability Support Program. Mr. E said he was unable to pay the outstanding hydro charges. An Ombudsman Representative contacted Hydro One and as a result, Hydro One stopped the disconnection order and entered into a repayment agreement with Mr. E.

Mr. and Mrs. F contacted Ombudsman Ontario concerned that Hydro One would be disconnecting their service the following day. They explained they were unemployed and unable to pay their hydro bills in full. They said they had been unsuccessful in their attempts to negotiate a repayment schedule with Hydro One. When our staff contacted Hydro One, it committed to looking into the complaint on an urgent basis. Within a matter of hours, Hydro One had offered Mr. and Mrs. F a repayment schedule, which they accepted, and their service remained connected.

Ministry of Finance

Retail Sales Tax Branch

Mr. D, an owner of a business, complained to the Ombudsman that the Retail Sales Tax Branch had inappropriately charged him interest on his account after it delayed cashing his remittance cheque for three months. Mr. D had written and called the Ministry to complain but he was told the interest charges were valid. An Ombudsman Representative contacted the Branch, which undertook to review the matter. As a result of our enquiry, Mr. D's file was reviewed, the interest charge eliminated and all collection efforts suspended.

Dear Ombudsman

Thank you very much for your efforts in respect of my application for a delayed registration of birth. I was elated today when I was advised by the Registrar General's staff that the birth certificate was to be mailed immediately.

Ministry of Health and Long-Term Care

Assistive Devices Program

Ms P contacted our office regarding the Assistive Devices Program. Ms P explained she needs oxygen at home and cannot afford it. She said her specialist believed she was unlikely to qualify for home oxygen under the Assistive Devices Program and had not forwarded her application to the Program. Ms P could not understand why she wouldn't qualify for assistance. An Ombudsman Representative contacted the Ministry to discuss Ms P's case. The Ministry

agreed to contact Ms P directly and told her to ask her specialist to check if her oxygen level drops significantly during exercise. The specialist treating Ms P carried out the tests suggested by the Ministry and, based on the results, he determined she would qualify for assistance. He submitted Ms P's application, which was in turn granted by the Ministry.

Community Care Access Centre

Mr. R and his sister hold a power of attorney for their mother, whose name had been on a waiting list for a bed in a long-term care facility in her community. Mr. R contacted Ombudsman Ontario because his mother's name had been removed from the waiting list.

Mr. R explained that his family had identified three of their preferred choices for a bed in a long-term care facility for their mother, but later changed their first choice when a new residential facility was built near their mother's home. Mr. R said the family declined the local Community Care Access Centre's offer of a bed in the facility that had previously been the family's first choice, hoping that their mother would eventually find a bed in the new facility. Mr. R said the family was surprised to find out later that their mother's name had been removed from the list for all the long-term care facilities they had identified and that their mother would have to start over again and wait at least six months to re-apply for a space. Mr. R explained that if he had known that by rejecting the bed that had been offered, his mother's name would be removed from all waiting lists, a different decision would have been made.

An Ombudsman Representative contacted the Centre, which advised that an individual has 24 hours to accept a bed offer and if they refuse, their name is removed from the waiting lists for all three of their choices and they must re-apply to be placed back on the lists. The Centre said the information about being removed from the waiting lists is provided to families in an initial intake package and the information that individuals have 24 hours to decide whether to accept a bed is provided when the Centre calls to make the offer. The Centre explained it did have an appeal process that is outlined on their website and a pamphlet, but no one had used it in the last two years. Our office referred Mr. R to the appeal process to address the circumstances around the removal of his mother's name from the waiting lists. As a result of our discussions with the Centre, it agreed to include information about its appeal process in decision letters regarding removal of names from waiting lists. The Centre also agreed to review its communication tools and find additional ways of revising its written information to include the fact that families have 24 hours to make a decision about whether to accept a bed. The Centre undertook to provide our office with copies of the revised materials.

Ms K's spouse suffers from Lou Gehrig's Disease and is paralyzed from the neck down. Ms K called the Ombudsman because she was dissatisfied with the services provided by a Community Care Access Centre. The Centre had approved nursing assistance in the home to help Ms K to care for her spouse. However, two nurses had stopped going to the home and Ms K was told one of them could not be replaced. Ms K was unaware that the Centre had a complaint process. An Ombudsman Representative contacted the Centre to discuss Ms K's plight. The Centre told our office that the Case Manager is required to take steps to resolve issues involving interruption of services. If these steps fail, a complaint form is to be completed. The Centre acknowledged Ms K may not have received complaint information, which is supposed to be provided to all families receiving services, and that the Case Manager did not follow the required steps when services were interrupted. As a result of our involvement, the Centre immediately took action to resolve the situation and a replacement nurse was found.

Ontario Health Insurance Plan (OHIP)

Mr. M became a Canadian citizen four years ago and is now a new father. He contacted our office because he could not get health coverage for his 10-month-old daughter. Mr. M explained his spouse had given birth back in her country of origin. He was told by the local OHIP office his daughter would have to wait three months before she could obtain health coverage in Ontario. Mr. M was quite distressed, as his daughter needed vaccinations and was ill and needed medical attention. An Ombudsman Representative contacted the OHIP office to discuss the situation. OHIP staff confirmed that a Canadian citizen's child born outside the country must wait three months for health coverage. However, in answer to our enquiries, OHIP staff told us that eligible citizens are entitled to two years' vacation absence during their lifetime. OHIP staff also suggested that one year of Mr. M's daughter's vacation entitlement be applied so that her medical costs from the date of birth could be claimed and covered by OHIP.

Provincial Mental Health Centre

Ms L, a patient at a Provincial Mental Health Centre, complained to our office that the Centre had not responded to letters written by the Patient Advocate on her behalf, about insufficient privacy and noise protection in phone booths used by patients on her ward. An Ombudsman Representative contacted the Patient Advocate who confirmed that the phone booths were of poor quality and that the Centre had not responded to this issue. As a result of our enquiry to the Centre, it committed to constructing a better quality phone booth.

Trillium Drug Program

Mr. and Mrs. A complained to the Ombudsman about a delay in the processing of their application for Trillium Drug Program coverage. They explained they had qualified for coverage in 2002 because of their high drug costs and reapplied in the summer of 2003. They said they had called the Ministry about their application and been informed there was a processing backlog and they should mail in their prescription receipts for reimbursement. Mr. and Mrs. A said, after waiting six months and sending in over $1,000 in receipts, they could no longer afford to pay cash up front for their medication. An Ombudsman Representative contacted the Ministry to enquire into Mr. and Mrs. A's status under the Program. The Ministry stated it would review the matter and within four business days, Mr. and Mrs. A's application for 2003-2004 had been processed and approved and a cheque had been requisitioned to reimburse them for their eligible drug costs for six months. The Ministry also arranged for their pharmacy to issue the medication, collect the deductible and administer their coverage onsite.

Ministry of Labour

Workplace Safety and Insurance Appeals Tribunal (WSIAT)

Dear Ombudsman

WSIB finally responded to the letter.

Without Ombudsman Ontario's help, my case with WSIB may be left on the shelf for years. Good news it is not left on the shelf anymore.

Mr. A complained to the Ombudsman that although the WSIAT had heard his case, 20 months later he had still not received a decision. The decision was finally released the same day the Ombudsman initiated an investigation into the WSIAT's delay. The WSIAT's Chair responded that the WSIAT had been experiencing significant production problems throughout 2003 because of a limited number of Vice-Chairs on its roster. The Chair explained that the former Minister of Labour had not reappointed a number of the Adjudicators and the number

of Adjudicators had decreased from 90 to fewer than 50 by the end of 2003. The Chair also explained that the shortage of Adjudicators had caused serious scheduling and production problems. He stated there was now a backlog of appeals and a writing backlog, which had developed as the current Adjudicators with the WSIAT had taken on additional cases in an attempt to compensate for the reduced roster. The Chair noted that the new Minister of Labour had recently reappointed a number of experienced Adjudicators and had been supportive of the concept of quality appointees. He anticipated that the WSIAT would be in a position by September 2004 to gradually recover from the current situation and eliminate most delays. However, he added that this success would depend, in part, upon the Ministry approving an increased budget to accommodate the increased Adjudicator roster and caseload. The Ombudsman will continue to monitor the issue of delays at the WSIAT over the next fiscal year.

Workplace Safety and Insurance Board (WSIB)

Mr. B, who is deaf and communicates through sign language, complained that the WSIB had not provided him with any information about the status of an appeal he had filed in 1995. Mr. B also raised questions, which he wished the Board to address, relating in part to the Board's accommodation of the special needs of those who communicate through sign language. Ombudsman Ontario contacted the WSIB to enquire into Mr. B's case. After reviewing the file, the WSIB acknowledged that there had been an oversight and the appeal had never proceeded. The WSIB undertook to send Mr. B an objection form to complete, following which the appeal would be processed and to write to him directly to answer the additional questions he had raised. Mr. B told our office shortly after that he had received payment from the WSIB.

In Ms U's case, reported in last year's Annual Report, she received over $16,000 in unpaid interest on her pension arrears, as a result of our intervention. The Ombudsman had expressed concern that there might be other injured workers who had also not received interest on pension arrears. Consequently, this fiscal year, the WSIB conducted a review of cases involving interest on arrears payments resulting from appeal decisions from October 1995 to 2000. The WSIB has reported that it completed its review, paid interest when required and made administrative improvements.

Ms E complained to the Ombudsman about the WSIB's failure to issue a written decision. Ms E explained she had been trying to get a written decision denying her claim so she could appeal it. She then learned in October 2003, that a formal decision had been made and communicated to her former representative in November 2000. The limitation time for appealing this decision had expired and Ms E was told she would have to request the time limit be waived if she wished to object. An Ombudsman Representative contacted the WSIB for clarification. A WSIB Adjudicator explained it had been decided that Ms E was not entitled to further benefits after November 13, 2000, because of an employer layoff. The Adjudicator explained no written decision had been issued because Ms E's representative had agreed with the decision. After considering the matter further, the WSIB agreed to waive the time limit and provide a new written decision to Ms E, which would allow her a six month period to file an objection.

Management Board of Cabinet

Ontario Pension Board (the OPB)

Ms A complained to the Ombudsman about the OPB. She explained she had been employed by the provincial government from 1977 to early 2003. When she left her job,

she was assured the OPB would forward her pension options package within six weeks. Three months later, Ms A had still not received the package and she began calling the OPB. She said she was initially told the OPB was backlogged and later, she was told her file had been transferred but she was not told who had the file. As a result of our enquiry, Ms A received her pension option package within a matter of days.

Management Board Secretariat

Ms L filed for student loan bankruptcy in 1998 and was discharged in 1999 from having to repay her Ontario Student Assistance Program (OSAP) loan. She complained to our office that she had been contacted by a collection agency to recover the loan and was unable to purchase a house because a credit bureau report stated she still owed money on the OSAP loan. After our office contacted Management Board Secretariat to discuss the case, it reviewed Ms L's account, wrote the loan off and notified the collection agency. As a result of our assistance, the collection agency closed the account and notified the credit bureau to correct its records and Ms L obtained an unexpected refund of monies she had paid after the loan had been discharged.

Ministry of Natural Resources

Lands and Waters Branch

Mr. and Mrs. G are seniors who complained to the Ombudsman that the Ministry was preventing them from selling their property. They explained the Ministry had alleged that they or the previous owners had back-filled the property illegally and the Ministry claimed it contained Crown land. The complainants denied this claim. They said despite personal visits, calls, and letters from their lawyer and surveyor, the Ministry refused to clear their title. An Ombudsman Representative contacted the Ministry and determined it had not obtained property dimensions or other relevant documentation from the couple's surveyor and lawyer. After the Ministry received and reviewed these documents, it delivered a letter to Mr. and Mrs. G confirming their property did not contain Crown land and their title was cleared.

Ontario Parks

Mr. H complained to the Ombudsman that Ontario Parks policy, which requires cheques be provided 21 days in advance of the first day of a reservation, is unreasonable. He also claimed it was unreasonable for the Ministry not to permit individuals to pay at one provincial park for a reservation made at another provincial park. An investigation determined the Ministry's 21-day in-advance policy allows the Ministry to determine if a cheque will be returned non-sufficient funds before the person arrives at the park. The Ministry explained to our office each park has its own bank account that it must reconcile daily and interpark access would involve increasing the reservation fee to offset the higher operating costs. The Ombudsman did not consider the Ministry's current practice regarding cheques and interpark reservations to be unreasonable. However, he did learn that Ontario Parks treats money orders the same way it treats personal cheques. The Ombudsman considered the Ministry of Finance's policy, which states money orders are a preferred method of payment and discussed this with the Ministry. After our discussion, the Ministry researched the issue further and acknowledged money orders are secure. The Ombudsman encouraged Ontario Parks to revise its policy accordingly.

Ministry of Training, Colleges and Universities

Ontario Student Assistance Program (OSAP)

Mr. J complained to our office about the Ministry's processing of his Canada Study Grant. Mr. J was enrolled

in a diploma program at a private business school during the 2000-2001 school year. He was receiving OSAP funding when his first child was born in February 2001. Because of his change in circumstances, Mr. J applied for a Canada Study Grant for Students with Dependents. He provided all the necessary documents to the Financial Aid Office at his institution in March 2001, which then notified the Ministry.

According to the school's records, by May 2001, the file had still not been adjusted and a second notice was sent to the Ministry that month. The Ministry assured the school that Mr. J's file would be updated prior to the end of his study period in August 2001. Over the next several months, Mr. J contacted the Financial Aid Administrator at the school to check on the status of his application. Each time he was told there had not been any progress on his case. Sometime in late July or early August, Mr. J received his study loan from the Ministry, but he did not receive his Canada Study Grant.

According to the school, the Ministry had not updated its records until the end of August 2001, by which time Mr. J had completed his study period. The Manager of the Financial Aid Office enquired about Mr. J's grant cheque in September 2001. The Ministry responded that since Mr. J's study period had ended, the Ministry was unable to release the grant funds.

After the Ministry received the Ombudsman's notice of intent to investigate, it reviewed Mr. J's OSAP file and acknowledged there had been unreasonable delays in the Ministry's processing of changes to Mr. J's records. These delays resulted in the change to Mr. J's status not being processed in time for him to receive a Canada Study Grant for Students with Dependents for 2000-2001. Given the circumstances, the Ministry agreed to credit Mr. J with an amount equal to the $1,000 Canada Study Grant he would have received had it acted in a timely manner. The Ministry undertook to apply this payment against Mr. J's outstanding Ontario student loan debt.

Ms L. a single mother attending school, called the Ombudsman complaining about the Ministry's delay in processing her OSAP application. She said, even if the loan were approved, she was concerned about the time it might take to receive the funds. The previous year it had taken two weeks after the loan approval for her to access the funds. She wanted to know whether this process could be shortened. Although Ms L had applied for the loan in June, it was October and she still had not received the Ministry's decision. By the time Ms L contacted us, she had been forced to borrow money for her rent and was very concerned because she did not have her next month's rent. An Ombudsman Representative contacted the Ministry and was told that Ms L's loan certificate was in the mail. The Ministry also said that once this document is received by the school, Ms A would have to take it to a designated postal outlet and a loan agreement must be signed and sent to the National Student Loans Service Centre (NSLSC), a federal government organization, for processing. Generally, the NSLSC processing time is ten days. Our office immediately contacted the NSLSC, which agreed given Ms L's circumstances, to speed up its process. On the last day of the month, Ms L called our office to confirm the OSAP funds were deposited in her account and her rent would be paid.

A private business school complained about the Ministry's practice of posting on the internet the rates that students from post secondary institutions default on their loans. The school claimed this was unfair because student loan defaults were outside of its control. The school also objected to the Ministry's request that it provide a promissory note because it had a default rate in excess of the 25 per cent threshold. Our office reviewed the situation and learned that a 1997 Ministry audit had highlighted the growing number of student loans that were in default. The Ministry had introduced changes to reduce the default rates and have more control over post secondary institutions. The Ministry's position is that students need information to make good

choices to assist in selecting and evaluating a school and a program that will meet their educational or vocational needs and help them determine if they will be able to repay their student loans. Currently, the sharing of default information is a condition of an institution being eligible to participate in the OSAP.

Research undertaken by our office revealed a wide spread in the default rates at both public and private institutions that offer the same program. We obtained information confirming that some institutions take steps to ensure students get jobs and are aware of, and are prepared to meet, their financial obligations and that this has resulted in lower default rates.

The Ministry sets default threshold rates based on industry averages. Once the threshold is exceeded, the Ministry can request that an institution provide a promissory note. The Ministry reserves the right to cash the promissory note if the school's default rate continues to exceed the industry average. The Ministry also checks bank records when calculating the default rates and there was no evidence to suggest the default rate figures for the complainant school were incorrect.

The Ombudsman was of the view that the Ministry acted reasonably and in accordance with the principles of administrative fairness in posting the school's default rates and requesting it provide a promissory note. The school decided to opt out of the OSAP.

Ms K believed she qualified for loan forgiveness but was having difficulty communicating with the Ministry because of a language barrier. She contacted our office and we were able to speak with her using a Mandarin interpreter. An Ombudsman Representative contacted the Ministry and was told that because of an "error code," the financial institution that Ms K was dealing with had not been informed that she qualified for loan foregiveness. The Ministry deleted the "error code" and told our office it would notify the financial institution accordingly. Ms K called later to confirm that her student loan debt had been reduced by $4,996.

Mr. Y complained to Ombudsman Ontario because he could not obtain OSAP assistance. He explained that six years previously his OSAP loan had been forgiven for medical reasons. Mr. Y stated his medical condition was now manageable and he is able to return to his studies but he requires OSAP assistance to do so. He claimed the Ministry told him because he had been granted loan forgiveness for medical reasons, he was no longer entitled to any further OSAP funding. An Ombudsman Representative contacted the Ministry to discuss Mr. Y's case. The Ministry explained, to qualify for additional loans, Mr.Y would have to repay the loan that had been forgiven in full. The Ministry provided this information to Mr. Y.

The Ombudsman expressed concern to the Ministry that students had no option to repay loans by installment that have been forgiven for medical reasons and that the Ministry had no specific written policy governing medical loan forgiveness. In response, the Ministry told the Ombudsman it is undertaking an overall review of the Ontario Student Loan regulations, including the current policies in place for medical loan forgiveness. The Ministry stated it intends to set out criteria for medical loan forgiveness and publicise the process for such requests. The Ministry also confirmed its repayment requirements are currently under review as part of the Canada-Ontario Integrated Student Loans program integration.

Policy and Standards Branch

Ms A complained to our office about the treatment she had received from the Ministry regarding registration for the new Ontario Teacher Qualifying Test. Ms A explained she recently graduated from a Bachelor of Education program and sent her registration package for the test to the Ministry before the February 25, 2003 deadline. However, when she

called the Ministry on February 25 she was told it had never received her application. Ms A claimed staff at the private call centre dealing with the test registration refused to let her send the application in by facsimile transmission and to speak to a Manager about the situation. Ms A stated the Ministry would not allow her to write the test at the next scheduled session in July even though she already had a job offer for September. An Ombudsman Representative contacted the Ministry to discuss Ms A's concerns. The Ministry acknowledged between 30 and 35 students across the province missed the first scheduled test because of administrative difficulties. The Ministry agreed to allow all the students who missed the test to write it during the July testing session. As a result of discussions with our office, the Ministry committed to changing the process to ensure call centre contacts with students are documented, the registration process occurs earlier and confirmation notices are sent to students once their registration package has been received. The Ministry also developed a complaint mechanism to give students direct access to the Ministry for assistance with problem resolution and provide the Ministry with a way to better monitor the quality of the services carried out by private contractors.

Ministry of Transportation

Licensing and Control Branch

Mr. Q complained to the Ombudsman that his driver's licence had been suspended. He said he requires a valid driver's licence to do his job. Mr. Q explained he had surgery in June 2003 and suffered a minor fainting spell. As a result of this incident, Mr. Q noted his surgeon had referred him to a neurologist who eventually confirmed it was safe for him to drive. However, Mr. Q then received a letter from the Ministry stating his driver's licence would be suspended. The Ministry told Mr. Q the suspension was based on a neurology report it had received indicating it was not safe for him to drive. Mr. Q contacted the neurologist, who explained he had not yet sent his follow-up report confirming it was safe for Mr. Q to drive. The neurologist committed to sending the report immediately. Mr. Q was very concerned as he had been told it would take the Ministry up to eight weeks to review any documentation submitted and he was in danger of losing his job if he did not obtain a valid licence. An Ombudsman Representative contacted the Ministry, which explained that although the neurologist's report had been received it was insufficient. The Ministry suggested a report could be obtained from another physician. Mr. Q then obtained a report from his surgeon confirming it was safe for him to drive and forwarded it to the Ministry. The Ministry confirmed with our office that the new information was satisfactory and Mr. Q's licence would be reinstated immediately.

Mr. O, an immigrant to Canada, applied for a licence to secure a position as a truck driver. He provided the Ministry with the required documentation from his country of origin to update his driving record at the Ministry. The Ministry told him as soon as its database was updated he would be issued an abstract and a permanent licence. In July, he contacted Ombudsman Ontario complaining that he had been waiting seven months for his licence.

As a result of our office's enquiry, the Ministry reviewed its records, located Mr. O's application and sent it for data entry. The Ministry later called our office to confirm its computer records had been updated and arranged for a specific employee to meet with Mr. O to handle his case. The next day, Mr. O called our office and told us he had obtained a temporary licence and was assured a permanent licence would follow within six weeks.

Mr. P contacted Ombudsman Ontario in September 2003 complaining he had been trying to obtain two items from his driver's abstract since June 2003. He was originally told to send in a request with $12 and that he would receive the documents in four to six weeks. Mr. P's cheque was cashed

and he kept in continuous contact with the Ministry by e-mail and telephone to no avail. An Ombudsman Representative contacted the Ministry, which said it could find no record of Mr. P's letter or payment. The Ministry requested copies of the front and back of Mr. P's cheque to confirm payment. Mr. P told our office there is a $5 fee per cheque for copies from his bank and he did not feel he should have to cover this cost. Our office contacted the Ministry again and questioned whether the Ministry would be prepared to pay Mr. P's bank fees. A short time later, the Ministry mailed the documents to Mr. P without requiring proof that his cheque had been cashed.

Ms R is a single working mother with three children who recently moved to Montreal. She complained to the Ombudsman that she had been unable to get a Quebec driver's licence because of an error on her Ontario driving record. Ms R cannot get a driver's licence in Quebec if her licence is suspended in Ontario. Ms R explained that she is a Sales Representative and she needs a driver's licence to work. She said her employer had warned her that she would be out of a job if her driver's licence was not reinstated.

Ms R acknowledged she had several traffic violations and the Ministry had told her she had to be violation free for a year following a "demerit" interview. Just prior to the year deadline, Ms R got another traffic ticket, causing her driver's licence to be suspended automatically for 28 days. However, when Ms R received and reviewed her driving record from the Ministry she noticed the details of one of the violations were incorrect. She called the Ministry and pointed this out, but the Ministry told her this would not affect the suspension.

An Ombudsman Representative contacted the Ministry to discuss the details of the suspension as well as Ms R's claim that the Ministry had wrong information about one of her traffic tickets. As a result of our intervention, the Ministry agreed to review the traffic ticket and, after doing so, determined there was an error on Ms R's driving record. The Ministry corrected the details of the conviction, removed the suspension and Ms R was able to obtain her Quebec driver's licence.

Mr. B, an injured worker, who had recently moved from Ontario to British Columbia, complained he was having difficulty obtaining confirmation from the Ministry of Transportation regarding the reason for his driver's licence suspension. He explained that the WSIB had suspended his benefits pending confirmation that his Ontario driver's licence had been suspended because of a work related injury. An Ombudsman Representative contacted the Ministry, which advised that when the licence was suspended, it had sent notices to the Ontario address it had on file. The Ministry agreed to send Mr. B confirmation of the reason for the licence suspension by courier. As a result of our intervention, Mr. B received the confirmation he needed, his WSIB benefits were reinstated and he received $10,900 in retroactive WSIB benefit payments.

Operational Services Department

Mr. M complained to our office that he was having difficulty obtaining a land use permit from the Ministry. At the time, Mr. M's family of eight were living in a small two bedroom apartment while they waited for their home to be built. One of his children is in a wheelchair. Mr. M's house burned down and he was in the process of rebuilding it. The Ministry wanted Mr. M to use an alternate driveway rather than the front driveway that led directly onto a highway. According to the Ministry, the regulations did not permit direct highway access when an alternate route is available and the front area was a walkway and never approved to be used as a driveway. The Ministry provided Mr. M with a land use permit on condition that he remove the culvert at the end of his front driveway or that he narrow the driveway to the size of a walkway.

Mr. M told our office he felt pressured for time because his City permits had been approved and the house was partially built. The City threatened to revoke its permits if Mr. M did not obtain the land use permit from the Ministry. Mr. M said he could not afford the time or money required to make the changes the Ministry required but he was prepared to commit not to use the front driveway. Mr. M's Member of Provincial Parliament intervened on his behalf but the Ministry would not alter its position. He then turned to our office.

Ombudsman staff contacted the Ministry and noted that according to Mr. M the culvert at the end of the driveway belonged to the Ministry and the driveway was already like a sidewalk since grass had grown over on the sides. After our office discussed the situation with the Ministry, it agreed to approve a land use permit if the complainant submitted written confirmation that he would not use the front area of his home as a driveway.

Remedial Measures Program

Ms N was required by the court to attend a remedial measures program for a dangerous driving offence. The remedial measures program includes interviews for those who have dangerous driving and other offences and the Back-On-Track program for those with alcohol-related offences. Ms N contacted the Ministry and was referred to the Back-On-Track program. She was unsuccessful in her repeated attempts to convince the Ministry that this was the wrong program, given the nature of her offence. Ms N eventually spoke with the Manager of the Back-On-Track program. Although the Manager acknowledged Ms N was in the wrong program, she refused to refund the $585 fee that Ms N had paid. Ms N spoke with various Ministry staff who refused to refund her money. In the meantime, Ms N kept calling the Ministry to try to get into the right remedial program. She was repeatedly referred to the Back-On-Track program.

Ms N contacted the Ombudsman because she wanted her money back and needed assistance in entering the right remedial program. An Ombudsman Representative made an enquiry to the Ministry. The Ministry acknowledged it was responsible for the bad referral and agreed to give Ms N a refund. The Ministry also committed to ensuring that staff who had made the error reviewed the remedial measures policies and that complaints be appropriately reported in future. Ms N also received a referral to the right remedial program.

Ombudsman Ontario Staff List: March 31, 2004

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Alphonse Barikage
Robin Bosworth
Lira Buschman
Zalina Deodat (Acting)
Joane De Varennes
Rozmin Dossa (Temp)
Hannalie Ethier
Pauline Gignac
Diane Hall
Roch McLean
Marie-Claire Muamba
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Administrative Secretary
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Investigators
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Anne Hart
Barbara Hirst
Lourine Lucas
Kathy Penfold
Matilda Presner
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Beena Rajendra
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Word Processing Operator
Maureen Bourns

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John Allan

Programmer/Systems Analysts
Kwasi Frimpong
Dianne King

Clerical & Technical Support
Hazel Warner (Temp)

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HUMAN RESOURCES

Staff Services Supervisor
Joyce Leonard

Training & Employment Supervisor
Deen Ajasa

Administrative Secretary
Grace Domingo

OMBUDSMAN ONTARIO

Mission Statement

"Working to ensure fair and accountable provincial government service"

Our Values

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

Fairness: *treating everyone in a reasonable, equitable, and impartial manner*

Accountability: *providing quality services, taking responsibility, evaluating and improving through innovation*

Integrity: *demonstrating transparent, honest and ethical practices*

Respect: *understanding individual differences and valuing diversity*

Contact Information

1-800-263-1830 – English

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www.ombudsman.on.ca – Website

This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.

OMBUDSMAN ONTARIO

Getting Started

1. Insert the CD-ROM into your computer.
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On your Windows desktop screen, click Start and then click Run
Type D:\rewards.htm
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